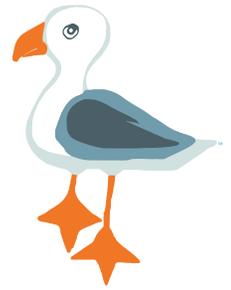


# LEGAL INFORMATION VS LEGAL ADVICE



## LEGAL INFORMATION

Answer **general** questions about the law

**Refer** to appropriate resources/tools

Outline **how** to do something already decided upon

Explain how the law/legal system **generally** works

Outline **possible** options

Outline **basic court** processes & procedure

Define **common** legal words and phrases



## LEGAL ADVICE

**Advise** a person how the law will apply to his/her situation

**Recommend** a particular option or course of action

Give an **opinion** about outcome based on a review of applicable facts, case law, statutes

**Interpret** a legal document, including a contract, statute, case law, court order, separation agreement, minutes of settlement, etc.

**Research** a point of law in-depth

**Draft/prepare** a legal document (letter, opinion, pleadings, forms, etc.)

**Act** as an advocate/agent

**LEGAL INFORMATION MEANS UNDERSTANDING ONE'S RIGHTS AND RESPONSIBILITIES; LEGAL ADVICE MEANS BEING TOLD THE BEST WAY TO ACT ON THOSE RIGHTS AND RESPONSIBILITIES.**





## RED FLAGS: IT'S PROBABLY LEGAL ADVICE

-  Do I have a case?
-  Should I take this to court?
-  What would you do if you were me?
-  Can you give me the wording?
-  What should I do?
-  You're a lawyer aren't you?
-  You have a law background don't you?
-  What should I tell the judge?
-  What sentence will the judge give me?
-  What are my chances?
-  Should I file an action or application?
-  Is it legal?
-  Am I allowed to?
-  Just tell me – I won't hold you to it.
-  If I read this to you, can you tell me if ...
-  What should I apply for?
-  Just tell me hypothetically then
-  I won't take it as legal advice – I promise
-  I'm sure you've dealt with this before ... what do you think?
-  What will happen if...?
-  Telling me 'x' is not legal advice
-  I know you can't give legal advice, but ...
-  What decision will the judge make?
-  Who should I sue?
-  Where should I sue?
-  How much should I ask for?
-  Should I settle?
-  Should I appeal?
-  Can't you just tell me?
-  But I can't afford a lawyer ...
-  What should I ask the witness?
-  How should I get that evidence in?
-  What did you say again – I just want to write it down ...
-  No one is willing to help me.
-  But my trial is tonight!
-  You've been working here a long time haven't you?  
You must know ...

### FOR YOUR INFORMATION

**ANSWER, ASSIST, DEFINE, EMPOWER,  
EXPLAIN, GENERALIZE, GIVE EXAMPLES,  
INFORM, OUTLINE OPTIONS, PROCESS,  
PROVIDE, REFER, SHOW**

### WORDS OF ADVICE

**APPLY, ACT, ADVISE, CHOOSE, COMPLETE,  
CONDUCT, DIRECT, DRAFT, INTERPRET,  
NEGOTIATE, OPINE, PARTICULARIZE, PERFORM,  
PREDICT, PREPARE, RECOMMEND, REPRESENT,  
RESEARCH, SELECT, SPECIFY, TAILOR, WRITE**

**LEGAL INFORMATION PROVIDES AN ARRAY OF OPTIONS, RESOURCES, A FRAMEWORK. LEGAL ADVICE IS MUCH MORE TAILORED, AND TELLS PEOPLE WHAT THEY SHOULD DO, NOT WHAT THEY COULD DO.**



## HELPFUL HINTS

- ▶ Use plain language.
- ▶ Ask questions – sometimes people don't know the right questions to ask / leave out important information (eg. I have a court order! I have a lawyer! This all happened in BC.) and/or give lots of details that aren't relevant.
- ▶ Think about why the person is asking the question-what will they do based on what you say? What are the potential consequences?
- ▶ Watch out for leading questions – are they asking the question in a particular way so you will give them the answer they want?
- ▶ Watch out for hypothetical questions – it usually means there is a real situation, and the person will take your 'hypothetical' answer and apply it to their situation.
- ▶ Are they asking you for permission to do something that could seriously affect a person's legal rights and responsibilities?
- ▶ Are they asking you to decide whether what someone else has done is 'legal'/'illegal'?
- ▶ Imagine the other side is listening in-be fair and impartial in giving information.
- ▶ Caution is better than over-confidence.
- ▶ If you don't know, say so! It is better to say you don't know rather than give wrong information or cross into the legal advice realm.
- ▶ If you aren't sure whether it is legal information or legal advice, assume it is legal advice.



## CONFIDENTIALITY

When you provide legal information, you should always keep personal information given to you confidential (unless the law requires that you reveal it), even after you stop volunteering.

**LEGAL INFORMATION**  
**IS HELPING PEOPLE**  
**HELP THEMSELVES.**



**LEGAL INFORMATION IS THE**  
**FACTS ABOUT THE LAW.**  
**LEGAL ADVICE IS APPLYING**  
**THOSE FACTS TO A**  
**PARTICULAR SITUATION.**



# INFORMATION IS POWER. It isn't always what you say, but how you say it.



## AVOID

- ✗ You should do 'x, y, z'
- ✗ You have to ...
- ✗ It is definitely ...
- ✗ That is certainly 'illegal /legal' ...
- ✗ You are absolutely right ...
- ✗ In my opinion ...
- ✗ The judge will decide ...
- ✗ I would advise you to ...
- ✗ If I had to pick your best option ...
- ✗ The best lawyer is ...
- ✗ The leading case is D, and in your situation
- ✗ The police/lawyer/judge etc. shouldn't have done that ...
- ✗ I wouldn't tell anyone else this, but ...
- ✗ Yeah , that lawyer is awful ...
- ✗ Yes, you are allowed to go to England with your daughter ...
- ✗ I'm a law student/lawyer/have a law degree so I know ...
- ✗ The first thing I would recommend is ...
- ✗ Write this down ...
- ✗ That would be *res judicata*, and you can't do that on an *ex parte* basis anyway ...



## USE

- ✓ You might consider doing 'x, y, z'
- ✓ You could ...?
- ✓ It is possible ... or, have you considered...?
- ✓ Well, what is your actual situation ...
- ✓ I understand what you are telling me...
- ✓ My opinion doesn't matter ...it is the judge (police, etc.) who decides.
- ✓ I can't tell you what the judge will do.
- ✓ I can tell you how the law generally works.
- ✓ I can outline some possible options, but you have to pick the option that is best for you.
- ✓ I can't recommend one lawyer over another, but I can tell you how to find one.
- ✓ You will find case law online at and research guides online at...
- ✓ You are asking me for permission to do something that could have serious consequences ... you should get legal advice.
- ✓ I can't comment on what the judge decided, but as you are asking how to appeal I can tell you that ...
- ✓ What is your goal?
- ✓ I understand what you are telling me ...
- ✓ I can help you understand the legal words in the form.
- ✓ I can give you suggestions about ways to get the legal help you need.



## PERCEPTIONS

Think about how your answer is going to be perceived or interpreted by the person who has asked the question. What are the expectations?

**LEGAL INFORMATION IS A TOOL. IT EMPOWERS PEOPLE TO TAKE STEPS TO SOLVE THEIR LEGAL PROBLEMS, WHEREAS LEGAL ADVICE IS A DEFERRAL TO SOMEONE ELSE'S PROBLEM SOLVING SKILLS.**

