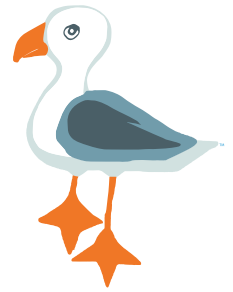


LEGAL INFORMATION VS LEGAL ADVICE



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.

