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**Objectives**

**Define What Constitutes Legal Advice**

**Describe Accurate Legal Information Provided Through Customer Service**

**Identify Procedural Explanations vs. Recommendations**

**Provide Practical Informational Resources for Defendants**

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**Define What Constitutes Legal Advice**

**LEGAL ADVICE ~ A written or oral statement that:**

- Interprets some aspect of the law, court rules or court procedures;
- Recommends a specific course of conduct a person should take in an actual or potential legal proceeding; or
- Applies the law to the individual person’s specific factual circumstances

**Telling a member of the public WHAT to do, rather than HOW to do it, may be giving legal advice.**

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**Describe Accurate Legal Information Provided Through Customer Service**



- Listen Closely and Ask Questions
- Be Patient
- Explain Answers and Give Reasons

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**WHOSE LINE IS IT ANYWAY??**  
*Identify Procedural Explanations vs. Recommendations*  
**CASE #1**

My neighbors leave their kids at home all day without supervision. Isn't that child neglect?



Clerk CAN provide? or CANNOT provide?

I am not an attorney or a judge and cannot make that legal determination. I can, however, refer to you Child Protective Services who may be able to help you. If you are concerned that the children are in any kind of danger, contact law enforcement.

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**WHOSE LINE IS IT ANYWAY??**  
*Identify Procedural Explanations vs. Recommendations*  
**CASE #2**

Can I get a copy of my citation? Is it a public record?



Clerk CAN provide? or CANNOT provide?

Court records and documents are public record unless they have been sealed under Rule 76a of the Texas Rules of Civil Procedure, or they are confidential under some other law. The law requires that we charge a copying fee. If the document needs to be certified, there is an additional fee and per page copy fee.

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**WHOSE LINE IS IT ANYWAY??**  
*Identify Procedural Explanations vs. Recommendations*  
**CASE #3**

What law requires a 16 year old to appear before the judge? I think you made that up...

Clerk CAN provide? or CANNOT provide?

I cannot perform legal research for you, but you can do that research yourself or contact an attorney to assist you. The statutes and rules are available online and at the law library. Contact the State Law Library for help getting started in your research.





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**WHOSE LINE IS IT ANYWAY??**  
*Identify Procedural Explanations vs. Recommendations*  
**CASE #4**

Has the judge ruled on the motion to dismiss yet? I don't think they ever come to work...



Clerk CAN provide? or CANNOT provide?

No, the judge has not ruled on the motion yet. It is still under advisement.

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**WHOSE LINE IS IT ANYWAY??**  
*Identify Procedural Explanations vs. Recommendations*  
**CASE #5**

Can you tell me when Judge DoDo will be on vacation so I don't have to appear in front of him again?



Clerk CAN provide? or CANNOT provide?

I cannot give you personal information about the judge.

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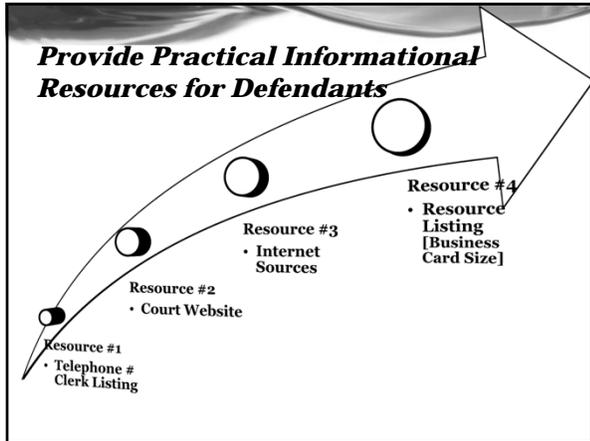
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**Define What Constitutes Legal Advice**  
**LEGAL ADVICE ~ Clerks and court personnel may NOT:**

- **Make recommendations regarding a pleading**
- **Recommend techniques for presenting evidence in pleadings or at trial**
- **Recommend whether a party should ask for a continuance**
- **Interpret applications of statutes**
- **Perform legal research for a party by researching case law, statutes, opinions, etc.**
- **Predict the outcome of a case**

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**Describe Accurate Legal Information Provided Through Customer Service**  
**LEGAL INFORMATION ~ Clerks and court personnel MAY:**

- **Provide public information contained in dockets, calendars, case files, indexes and other reports**
- **Recite common, routinely-employed court rules, court procedures, administrative practices, and local rules, and explain generally how the court and judges function**
- **Refer self-represented litigants to a law library or the court's website for statutes, court rules or forms**
- **Explain the meaning of terms and documents used in the court process**
- **Answer questions concerning deadlines or due dates (without calculating due dates)**
- **Identify and refer self-represented litigants to court forms**

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**Why Clerks Must Not Give Legal Advice,  
But Should Provide Legal Information...**

**Remain Neutral**      **Remain Impartial**      **No Unauthorized Practice of Law**

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**Resources**



- o **DEFINING LEGAL INFORMATION VS. LEGAL ADVICE INSTRUCTIONS** - "Legal Information vs. Legal Advice" Guidelines @ <http://www.courts.state.tx.us/pubs/LegalInformationVSLegalAdviceGuidelines.pdf>
- o **TEXAS LAW HELP** - [www.texaslawhelp.org](http://www.texaslawhelp.org)
- o **ALTERNATIVE DISPUTE RESOLUTION** - [www.texasadr.org/links.html](http://www.texasadr.org/links.html)
- o **LEGAL ASSISTANCE ORGANIZATIONS AND OTHER NON-PROFIT ORGANIZATIONS** - [www.texaslawhelp.org](http://www.texaslawhelp.org) & [www.lsc.gov](http://www.lsc.gov)
- o **FINDING AN ATTORNEY** - [www.texasbar.com](http://www.texasbar.com) & [www.martindale.com](http://www.martindale.com)
- o **STATE BAR OF TEXAS** - [www.texasbar.com](http://www.texasbar.com) & Legal Services Support Division (800) 204-2222, ext. 1855 [probono@texasbar.com](mailto:probono@texasbar.com) fax: 512-427-4160
- o **TEXAS LAW LIBRARIES** - [www.sll.state.tx.us](http://www.sll.state.tx.us)
- o **TEXAS STATUTES & LEGISLATIVE PROCESS** - [www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us) (Statutes) & [www.capitol.state.tx.us](http://www.capitol.state.tx.us) (Texas Legislature)
- o **TEXAS COURT SYSTEM** - [www.courts.state.tx.us](http://www.courts.state.tx.us)
- o **TEXAS FORMS** - [www.texaslawhelp.org/TX/index.cfm](http://www.texaslawhelp.org/TX/index.cfm) ("list of forms and topics")

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**Questions?**



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