Legal Information vs. Legal Advice

Guidelines and Instructions for Clerks and Court Personnel
Who Work with Self-Represented Litigants
in Texas State Courts

Edited for use in Texas by:
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Table of Contents

Section	Page
Introduction	2
Roles and Responsibilities of Clerks and Court Personnel	3-4
Why Clerks and Court Personnel Must Not Give Legal Advice, But Should Provide Legal Information	5-6
What is Legal Advice?	7-8
What is *Ex Parte* Communication?	9
Quality Service: Strategies for Answering Difficult Questions	10-11
Procedural Explanations vs. Procedural Recommendations	12
General Information about Court Operations vs. Confidential or Restricted Information about Court Operations	13
Explaining Legal Terms vs. Providing Legal Interpretations	14
Providing Forms and Approved Instructions vs. Filling Out Forms	15
Public Case Information vs. Confidential Case Information	16
Options vs. Opinions	17
Citing Statutes, Court Rules and Ordinances vs. Researching Statutes, Court Rules and Ordinances	18
General Referrals vs. Subjective or Biased Referrals	19
Permissible vs. Impermissible Forms of *Ex Parte* Communication	20
Appendices	
Handout/Sign: What Clerks and Court Personnel Can and Cannot Do	21
Resources and Referral Information	22-24

Introduction

Each year thousands of people represent themselves in Texas courts. It is crucial that clerks and court personnel understand how to help the self-represented without giving legal advice. This manual will help explain the difference between legal information and legal advice.

You are the face and voice of justice in Texas. How you respond to questions about the court system affects how people feel about justice, as well as their access to justice. If someone does not understand how to use the court system, and you do not provide available and needed information, that person may be denied access to the courts and to justice.

This manual is specifically intended for the use of clerks and court personnel who provide telephone and counter assistance. It is recommended that you keep the manual in a place where it is easily accessible. Of course, it cannot anticipate all the possible questions that self-represented parties might ask. If you are unsure if your response to a question would constitute giving legal advice, refer to this manual. You can also check with your supervisor.

The manual also contains a one-page list of some things clerks and court personnel can and cannot do (see page 21). This list is designed to be used as a handout or a sign posted at the clerk's counter or public window so that people can read and understand the guidelines that you are required to follow.

The law is complicated and confusing. Encourage people to talk to a lawyer about their situation. The *Resources and Referral Information* section of this manual describes a variety of ways people can get help.

Roles and Responsibilities of Clerks and Court Personnel

PROVIDE ACCESS TO THE COURTS

- One of the basic principles of the American justice system is that the doors of our courthouses are open to everyone.
- Most members of the public, however, are not familiar with courts or court procedures and require some level of assistance.
- Access to justice is, in effect, denied if members of the public do not know how to use the court system, and the courts do not assist them in some meaningful way.
- The court is obligated to explain court processes and procedures, to provide quality service, and to provide accurate information to all members of the public.
- An understanding of what information can be provided to the public will significantly affect access to the courts and the administration of justice.

PROVIDE SERVICE WITH ACCURATE INFORMATION

- Accessibility to the judicial system is affected by the accuracy of information provided by the court to members of the public, along with the manner in which it is presented.
- Clerks and court personnel are responsible for giving court users the service they need and deserve by providing accurate information in a competent, cooperative, and timely manner.
- The public's first and only contact with the judicial system may be with clerks and court personnel, whose responses have an impact on how people view their court experience.
- The court should treat all court users fairly and equally: attorneys, defendants, self-represented litigants, and others. In other words, clerks and court personnel should feel comfortable providing the same information to self-represented litigants that they provide on a routine basis to attorneys. All members of the public are entitled to the same information. Providing information to a lawyer that would not be provided to a self-represented litigant is not equal. Similarly, providing information to a self-represented litigant that would not be provided to a lawyer is not equal.

- Clerks and court staff should learn the rules about *ex parte* (one-sided) communication with the judge, and should not let members of the public use them to circumvent that principle.

- Effective service may reduce the number of times court users must come to the courthouse, and thus reduce stress on the court system.

- Provide accurate information because even seemingly small mistakes can affect people's lives or the outcome of court cases. It is better to be honest and say "I don't know" than to give incorrect information.

Why Clerks and Court Personnel Must Not Give Legal Advice,
But Should Provide Legal Information

CLERKS AND COURT PERSONNEL MUST REMAIN NEUTRAL

- Remain neutral and do not promote or recommend a particular course of action to court users.

- Although you may have processed many similar types of cases, you do not know what is in a court user's best interest. Only they or their attorneys can make that determination.

CLERKS AND COURT PERSONNEL MUST REMAIN IMPARTIAL

- Impartiality is similar to neutrality, but focuses on equal treatment of court users.

- Court knowledge must be shared fairly and equally.

- Never give advice or information that favors one side or the other.

- Do not disclose confidential information or become involved in or facilitate an *ex parte* communication.

CLERKS AND COURT PERSONNEL MUST NOT ENGAGE IN THE UNAUTHORIZED PRACTICE OF LAW

- Only attorneys licensed to practice by the Supreme Court may give legal advice.

- Do not engage in the unauthorized practice of law by providing legal advice.

- Even court personnel who themselves are licensed attorneys may not give legal advice to court users because doing so would violate the principles of neutrality and impartiality.

The unauthorized practice of law statute, Section 81.101 of the Texas Government Code, states:

> (a) In this chapter the "practice of law" means the preparation of a pleading or other document incident to an action or special proceeding or the management of the action or proceeding on behalf of a client before a judge in court as well as a service rendered out of court, including the giving of advice or the rendering of any service requiring the use of legal skill or knowledge, such as preparing a will, contract, or

other instrument, the legal effect of which under the facts and conclusions involved must be carefully determined.

(b) The definition in this section is not exclusive and does not deprive the judicial branch of the power and authority under both this chapter and the adjudicated cases to determine whether other services and acts not enumerated may constitute the practice of law.

(c) In this chapter, the "practice of law" does not include the design, creation, publication, distribution, display, or sale by means of an Internet web site, of written materials, books, forms, computer software, or similar products if the products clearly and conspicuously state that the products are not a substitute for the advice of an attorney. This subsection does not authorize the use of the products or similar media in violation of Chapter 83 and does not affect the applicability or enforceability of that chapter.

The above statute does not provide an exhaustive list of what constitutes the practice of law. The Supreme Court of Texas has held that *the courts* ultimately decide what is and is not the practice of law.

What is Legal Advice?

Court users are asking for legal advice when they *ask whether or not* they *should* proceed in a certain fashion. ***Telling a member of the public what to do rather than how to do it may be giving legal advice.***

Legal advice is 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.

What is 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.

Clerks and court personnel may NOT:

- Recommend whether to file a certain pleading.
- Recommend wording or content for a pleading.
- Recommend specific people against whom to file pleadings.
- Recommend specific claims or arguments to assert at trial.
- Recommend what type of damages to seek or from whom to seek them.

- Recommend techniques for presenting evidence in pleadings or at trial.
- Recommend which objections to raise or which motions to file.
- Recommend whether a party should ask for a continuance.
- Recommend whether or not parties should try to settle their dispute prior to trial.
- Interpret applications of statutes.
- Perform legal research for a party by researching case law, statutes, opinions, etc.
- Predict the outcome of a case.

What is *Ex Parte* Communication?

Black's Law Dictionary defines *ex parte* as "on one side only; by or for one party; done for one party only."

Ex parte refers to situations in which only one party appears before a judge or communicates with a judge.

With few exceptions, the court rules require that all documents filed with the court must be given to all other parties in the case so that the other parties have an opportunity to respond. Thus, it is improper to give information to the judge unless that information has been provided to the other parties in the case.

If a party submits a written *ex parte* communication for a judge, ask the judge what the judge would like to do with the communication. The judge will say either to send a copy to all the parties before the judge reviews it or to send it back to the individual who submitted the document. Check for any other local policies on this issue.

If a party asks to talk to a judge, suggest that they write down what they want to say and file it with the court. This written communication should:

- Include a proper heading, including the case number.
- Be dated and signed, with the name printed under signature.
- Include the party's address and telephone number over the heading.
- Be copied to the opposing party or counsel following Texas Rules of Civil Procedure.

The original should be submitted to the clerk and the party should keep a copy for their records.

If the party has an emergency situation and there is no time to submit a written request, communicate with the judge *if* allowed by local rules. The party should be warned that the request may not be granted.

Quality Service:
Strategies for Answering Difficult Questions

It may not always be clear that it is appropriate to answer a member of the public's question. However, there are several things that can be done to assist court users and make it easier to identify whether the question is asking for legal information or legal advice.

LISTEN CLOSELY AND ASK QUESTIONS

- Let members of the public ask their questions and listen carefully to what they are asking.
- Be an active listener and respond reflectively. If necessary, repeat or rephrase the question to state what you think they are asking.
- Take the time to clarify what court users need. If someone asks a question that is not clear, ask follow-up questions to clarify what they mean.
- Ask court users if they have completely read any paperwork they may have.

BE PATIENT

- Think how much the court user will appreciate someone taking the time to answer questions and explain an unfamiliar process.
- Coming to court can be stressful, confusing, and intimidating; so take the time to welcome and greet court users.
- The same questions may have been asked many times before, but remember that this is the first time for this particular court user.
- Remain calm even when the court user is not. Attitude is key. Some people may just need to vent. Take it professionally, not personally.

EXPLAIN ANSWERS and GIVE REASONS

- Providing the reasons why certain information cannot be given helps minimize people's frustration and increases their understanding of the court system. If a question cannot be answered, explain how important it is that clerks and court personnel remain **neutral and impartial**. Always be clear and concise when providing information. Ask the person how they would feel if the clerk or court personnel gave legal advice to the other side.
- The phrase "I can not give legal advice" should never be used as an excuse not to provide service. Politely state that clerks and court personnel cannot explain or interpret the law or say how it would apply to a case because that would be giving legal advice. Also, explain that clerks and court personnel do not have legal training and if

the clerk tries to give information about which they are not completely informed, it might jeopardize the outcome of the case for the party.

- If a question cannot be answered, try to give a good referral such as to a local lawyer referral service, legal clinic, the court's website, or TexasLawHelp, www.TexasLawHelp.org. Remember: **do not** recommend specific attorneys; remain neutral and impartial at all times.

Procedural Explanations vs. Procedural Recommendations

Provide procedural information and explanations on how to accomplish various actions within the court system. Explaining various procedures increases the public's understanding of the court system and provides greater access to the courts.

Do not make any recommendation that would indicate a direct advantage or disadvantage of a particular procedure. It is not appropriate to tell court users what is the best course of action for them to take, nor is it appropriate to give opinions about the probable outcome of a case.

CAN PROVIDE **Procedural Explanations**	**CANNOT PROVIDE** **Procedural Recommendations**
Question: Can you tell me how to file a small claims action?	***Question:*** Can you tell me whether it would be better to file a small claims action or a civil action?
Response: Yes. You need to fill out a sworn small claims statement and file it with the clerk's office. When you file the affidavit, you will have to pay a filing fee. The clerk will issue you a case number and issue paperwork called the citation. Tell the clerk where the person you are suing may be found because the person must be served before the court can grant you any relief. The small claims form is on the court's website.	***Response:*** I cannot tell you which process would be best for your situation because I cannot give you legal advice. You may want to talk to an attorney about this issue to determine which process best fits your situation. You may also contact other legal resource organizations in your area, or you may conduct research at the local law library.

General Information about Court Operations
vs.
Confidential or Restricted Information about Court Operations

Answer questions about court policies and procedures if the information could not be inappropriately used to affect the status or outcome of a case. It is important not to disclose information that would allow one party or another to have an unfair advantage.

As a general rule, it is appropriate to provide information on how to do something, but it is not appropriate to answer the "how" question when it involves the disclosure of **confidential** or **restricted** information.

CAN PROVIDE **General Information About Court Operations**	**CANNOT PROVIDE** **Confidential or Restricted Information About Court Operations**
Question: When will my divorce go to court?	***Question:*** Can you tell me when Judge Doe will be on vacation so I don't have to appear in front of him again?
Response: This time frame may depend on the type of service in the case. Hearings are only needed on contested cases and it will depend upon the status of the pleadings as to when it is set. There are general instructions and appropriate forms for uncontested divorce on the court's website, or you may wish to obtain legal help if your case is going to go to trial.	***Response:*** I can't give you personal information about the judge.

Explaining Legal Terms
vs.
Providing Legal Interpretations

Explain legal terms so that people will have access to the court and understand the court system. While it is appropriate to explain legal terms, it is not appropriate to provide legal interpretations.

CAN PROVIDE Legal Definition	CANNOT PROVIDE Legal Interpretation
Question: What does "certificate of service" mean?	***Question:*** My neighbors leave their kids at home all day without supervision. Isn't that child neglect?
Response: The rules require parties to file proof with the court that they complied with the requirement to serve other parties. This is called "certificate of service." The rules require parties to give copies of any document filed with the court to all other parties in the case. The methods for service available to Texas litigants are outlined in the court rules and state statutes, in particular you may wish to look at Rule 21a of the Texas Rules of Civil Procedure. The rules are available on the court's website.	***Response:*** I am not an attorney or a judge and cannot make that legal determination. I can, however, refer you to 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.

Tip: The Texas Rules of Civil Procedure are available on Texas Courts Online at http://www.supreme.courts.state.tx.us/rules/trcphome.asp.

The Texas Statutes and a Self Help section are available on Texas Courts Online at http://www.courts.state.tx.us/links.asp.

Providing Forms and Approved Instructions vs. Filling Out Forms

Another important way to facilitate access to the court is by providing forms and assistance where resources allow. It is important to know what forms and written instructions are available from the court and other agencies.

Often court users will not know what forms to request in order to bring their matters before the court. When this happens, clerks and court personnel should direct them to available resources for forms such as the court's website, law libraries, and legal clinics.

Answer procedural questions about how to complete court papers and forms. For example, tell a court user whether a form needs to be notarized or what factual information the form is asking for, but do not say what words to put on the forms. If someone asks what to say in a form, tell the person to use his or her own words. Due to time and resource constraints, suggest that people fill out as much of their form as possible before asking for assistance.

The Americans with Disabilities Act (ADA) requires reasonable accommodation to people with disabilities, which may include helping them fill out forms. Some legal clinics and legal service agencies will help people with disabilities fill out forms.

When helping someone fill out forms, write down exactly what the person dictates, word for word. Do not correct the person's grammar, and do not paraphrase or edit what the person says. This can be considered giving legal advice, and threatens the court's impartiality. Once the form is filled out, read it back to the party to confirm that what is written is correct. Write or stamp "dictated by court user, written verbatim by court staff," and your name or initials in the margin, and why the assistance was necessary.

CAN PROVIDE **Providing Forms and Approved Instructions**	**CANNOT PROVIDE** **Filling Out Forms**
***Question*:** I need to file for divorce and I have no idea where to begin. Is there some place I can go to find out how to get started?	***Question*:** The self-help divorce petition says I should list as my separate property any gifts I received while we were married. My parents gave us money to make our house payments for several months. Should I list that money as my separate property?
Response: Sure. The Texas Law Help website has forms and instructions for uncontested divorces. Go to www.TexasLawHelp.org to find a full list of free forms. The court charges a fee to file your papers. This fee varies from county to county and may depend on whether children are involved.	***Response*:** I cannot help you decide what information to enter. If you have questions about what information is appropriate to enter on the forms, you can ask an attorney or visit a legal clinic. Information about legal clinics is available on the court's website.

Public Case Information
vs.
Confidential Case Information

Some documents or entire cases are confidential and the information cannot be disclosed. Ask a supervisor what records or cases are public and what are not.

Do not disclose the outcome of a matter submitted to a judge for decision until the outcome is part of the public record or the judge directs disclosure of the matter.

Do not speculate on the possible outcome of a matter submitted to a judge or a jury until the outcome is part of the public record. This also applies in cases when a matter has not yet been submitted to the court.

Generally, court case records are open to the public, and some records are made public by law. For example, search warrants and the affidavits that support them are public. Also, records in paternity suits are available for public inspection.

Some court case records may be sealed by the judge in civil cases under Rule 76a of the Texas Rules of Civil Procedure. The access to other kinds of court case records, such as records in mental health proceedings and juvenile case records, is limited by law. There are several other kinds of court case records that may be protected law. Be sure to check with your supervisor if there is a question about what records are public and what are not.

If court case records are confidential or protected by law, do not read them unless necessary to do your job. These records may contain highly personal information about parties, and it is inappropriate to read them unless required for your work.

CAN PROVIDE **Public Case Information**	**CANNOT PROVIDE** **Confidential Case Information**
***Question*:** My mother died four months ago, and I lost my paperwork regarding her probate case. Can you give me the case number, and can I get copies of the pertinent documents?	***Question*:** I think there is a mental health case for my uncle in your court. His name is John Smith. Can you tell me anything about his case?
***Response*:** Yes. I need to know her name. I'll check our records and give you the case number. Then, you can visit our courthouse and view the file.	***Response*:** Mental health cases are private and therefore I cannot provide you with any information. This type of information can only be disclosed by court order.

Tip: The Office of Court Administration publishes manuals for district clerks and county clerks. These manuals address requests for court case records and are available at www.courts.state.tx.us/pubs/pubs-home.asp.

Options
vs.
Opinions

Provide information on the various procedural options that are available and what the differences are between the options. It is important to explain options because the person is often not aware of those options. People have better access to the courts when options are explained.

It is also important to advise people of **all** appropriate options. Providing only some of the options may indirectly influence a decision by limiting the person's choices.

Do not give an opinion about what specific remedies to seek or which option the person should use or otherwise advise someone on whether to bring the problem before the court. Remain neutral and do not take a position that will encourage or discourage a particular course of action.

CAN PROVIDE **Options**	**CANNOT PROVIDE** **Opinions**
Question: What can I do if I cannot afford to pay the filing fee?	***Question:*** My ex-husband hasn't paid the debts that he agreed to pay in our divorce settlement. Now he's filed for bankruptcy. The creditors are coming after me. This is ruining my credit. I don't live in Texas anymore. What can I do? He had an agreement and he's not following it. Can I be made responsible for this debt?
Response: You can request an *affidavit of inability to pay costs form*. This form allows you to open your case without paying the fee. The forms are available on the court's website and on Texas Law Help's website.	***Response:*** I can't advise you what you can do because I cannot give you legal advice. The bankruptcy filing further complicates this matter. You may want to consult an attorney. You can contact a local lawyer referral service to find out if there are any free legal advice clinics that you could attend to get further information, or see Texas Law Help's Find Legal Assistance web page.

Citing Statutes, Court Rules and Ordinances
vs.
Researching Statutes, Court Rules and Ordinances

It is appropriate to share known statutory and court rule citations, especially as they apply to procedures. However, it is not appropriate to conduct legal research. There are two factors that help distinguish between the two:

- If the information is something clerks and court personnel should know as a part of their job, then it is not considered legal research, even if it has to be looked up in the statutes, rules of civil procedure or local court rules.

- If the information is readily available and does not have to be compiled, then it is unlikely to be considered legal research. If the information has to be compiled, then it probably is legal research.

CAN PROVIDE **Cites of Statutes, Court Rules and Ordinances**	**CANNOT PROVIDE** **Research of Statutes, Court Rules and Ordinances**
Question: Can I get a copy of a document from a case? Is it a public record?	***Question:*** What laws govern tort claims?
Response: 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.	***Response:*** 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.

General Referrals
vs.
Subjective or Biased Referrals

Because the court, clerks, and court personnel must remain impartial in all matters, do not make referrals to a specific lawyer, law firm, or paralegal service. Instead, refer people to the court's website, local lawyer referral service, the State Bar, or the yellow pages of the telephone book.

It is also helpful to keep lists of contact information for local government agencies and departments where people are frequently referred. Sometimes it is appropriate to make a call to the referred agency or department (if time permits) to make sure it can accommodate the person before sending them there.

CAN PROVIDE **General Referral**	**CANNOT PROVIDE** **Subjective or Biased Referral**
Question: I need a process server. Where do I find one?	***Question:*** Can you recommend a good process server?
Response: We do not have lists of process servers at the court. Pleadings may be served by a sheriff, a constable or you can also check in the phone book or on the internet for certified private process servers.	***Response:*** I'm sorry, but the court must remain impartial. I cannot recommend a specific process server. I suggest that you check the phone book or the internet for a certified private process server.

Tip: Develop and have available a list of general resources and referrals. Good general referrals include the yellow pages and the Internet. A list of certified private process servers is available on Texas Courts OnLine at www.courts.state.tx.us/psrb/pdf/Statewide_Authorized_Servers.htm.

Permissible
vs.
Impermissible Forms of *Ex Parte* Communication

Do not transmit information to a judge unless that information has been provided to the other parties in the case. To uphold this principle, follow these guidelines:

- Do not communicate to the judge case information acquired through personal knowledge, read in the newspaper, or heard on the radio or from someone else.
- Do not transmit verbal information to a judge on behalf of a party or attorney concerning a case unless it involves scheduling or other administrative matters.
- Screen the judge's calls. Do not transfer phone calls to a judge from parties or attorneys without learning what the caller wants to talk to the judge about and whether it is associated with a case before the judge, and then ask the judge if he/she wants to take the call.
- Communications about scheduling or other administrative matters are permitted because they do not deal with the litigation's substance or merits, and no party gains an advantage as a result of the *ex parte* contact.

CAN PROVIDE **Permissible Forms of *Ex Parte* Communication**	**CANNOT PROVIDE** **Impermissible Forms of *Ex Parte* Communication**
Question: Has the judge ruled on the motion to dismiss yet?	***Question:*** I am a prosecutor in the DWI case today. Please tell the judge that I don't think we're going to have the trial today because the defendant has already admitted he was drunk.
Response: No, the judge has not ruled on the motion yet. It is still under advisement.	***Response:*** I cannot tell the judge information about potential evidence in the case because it would be an impermissible *ex parte* communication. I can relay to the judge that the prosecutor states the trial will not go forward, or I can ask the judge if he would be willing to speak to you.

This is a list of some things clerks and court personnel can and cannot do.

We can	explain and answer questions about how the court works.	**We cannot**	tell you whether or not you should bring your case to court.
We can	provide the number of the local lawyer referral service, legal services program, Texas State Bar lawyer referral service, and other services where legal information is available.	**We cannot**	tell you what words to use in your court papers. However, we will check your papers for completeness. For example, we check for signatures, notarization, correct county name, correct case number and presence of attachments.
We can	give general information about court rules, procedures and practices.	**We cannot**	recommend what to say in court.
We can	provide court schedules and information on how to get a case scheduled.	**We cannot**	give an opinion about what will happen if you bring your case to court.
We can	give you information from your case file.	**We cannot**	talk to the judge for you or let you talk to the judge in private.
We can	give you samples of court forms that are available.	**We cannot**	change an order signed by a judge
We can	usually answer questions about court deadlines.	**We cannot**	tell you what deadlines apply in your case.

Resources and Referral Information

Texas Law Help
www.texaslawhelp.org
The Texas Law Help website is a resource for people who do not have an attorney. Topics offered on the website include:

- Civil Rights
- Consumer Cases
- Wills and Estates
- Family Law
- Forms & Instructions
- Juvenile Cases
- Landlord-Tenant
- Mediation
- Domestic Violence
- Seniors
- Spanish Resources
- Veteran Issues

Alternative Dispute Resolution
www.texasadr.org/links.html
Going to court – litigation – may not always be the best way to resolve a problem. Alternative dispute resolution (ADR) is one way to work out an agreement. Mediation and arbitration, for example, both involve neutral, third parties who may facilitate a resolution. ADR can be used for many types of cases, including co-parenting, divorce, probate, contract disputes, other civil cases and appeals.

Legal Assistance Organizations and Other Non-Profit Organizations
www.texaslawhelp.org
www.lsc.gov
Contact information for Texas agencies and organizations such as Legal Aid of NorthWest Texas, Texas RioGrande Legal Aid, Lone Star Legal Aid, Advocacy, Inc., Texas Legal Services Center's Legal Hotline for Texans, and the Texas Advocacy Project's Family Law Hotline and Family Violence Hotline, and immigration law resources. On the Texas Law Help website, select the *Find Legal Assistance* tab. This tab also contains information about other organizations that assist with various legal problems, including consumer protection, landlord-tenant, OSHA complaints, complaints about nursing homes, and assistance with utility companies. On the Legal Services Corporation website, select Texas on the map of the United States. Most legal aid programs have income guidelines that determine the people or families they can serve. Persons must apply for assistance. Because of resource limitations, not everyone who qualifies will receive assistance.

Finding an Attorney
The State Bar of Texas Lawyer Referral Information Service is a free service provided by the Texas State Bar to help people find an attorney. Access the State Bar of Texas Lawyer Referral Information Service on the Texas Bar website: go to www.texasbar.com and select *Need a Lawyer? Get a referral* on the right side of the page. Most lawyer referral programs refer

people to attorneys who charge a nominal fee for the initial consultation; further fees will be negotiated by the attorney and client if they agree to continue.

Other resources include the yellow pages or friends who may have recommendations. Do not provide lawyer referrals. Another resource is **www.martindale.com**, an online version of the print lawyer directory Martindale-Hubbell. This site can be searched by location and subject specialty, and provides information about a lawyer's education and experience, as well as the ratings other lawyers give them.

Limited Legal Help

Many people cannot afford to hire an attorney. Limited legal help, also known as "limited scope legal representation," is an alternative way to get legal help. Under this kind of arrangement, an attorney and client agree that the attorney will provide specific services for a predetermined fee. For example, the attorney and client could agree that the attorney do one or more (but not all) of the following:

- will only advise the client about the strength of the case;
- help draft a document;
- review a document the client has drafted;
- coach the client for a negotiation;
- help with the discovery process;
- coach the client for a hearing;
- appear in court on behalf of the client for one hearing only; or
- any combination of these kinds of services.

Hiring an attorney to handle part of a case can be an affordable alternative to hiring one to take care of the entire case (also called "full representation"), and may be preferable to representing yourself in court -- a process that takes time and patience and can be confusing. People who act as their own attorney are expected to know and follow the same rules that attorneys follow.

Not all cases are suited for limited legal help. Attorneys who are interested in providing limited scope representation may be found using the resources described above in the **Finding an Attorney** section. Feel free to ask attorneys if they are willing to provide limited scope representation.

State Bar of Texas

www.texasbar.com

The State Bar of Texas Client-Attorney Assistance Program helps resolve problems between clients and attorneys. Also, a person with a complaint against an attorney may file a formal complaint ("grievance") against the attorney with the State Bar. On the State Bar's website, select *Client Assistance & Grievance* for more information. The State Bar's Texas Lawyers Care department publishes a referral directory of legal services and other resources for low-income Texans, www.texasbar.com/Content/NavigationMenu/Pro_Bono/2010ReferralDirectory.pdf.

Texas Law Libraries
Law libraries have print and online resources including statutes, regulations, court rules, and court decisions, as well as legal encyclopedias, form books, and books about specific areas of law. Most law books are written for legal professionals, but some books are written for non-lawyers. Law library staff can't give legal advice, but they can show people how to use their resources.

Texas State Law Library
www.sll.state.tx.us
205 West 14th Street
Austin, Texas 78701-1614
(512) 463-1722

Texas Statutes and Legislative Process
www.statutes.legis.state.tx.us (Statutes)
www.capitol.state.tx.us (Texas Legislature)
The first website contains state statutes. The second website contains information about bills in the Texas Legislature and the legislative process.

Texas Court System
www.courts.state.tx.us
The Texas Courts Online website contains information about the Texas court system.

Texas Forms
Legal form books provide sample language that can be used to prepare documents to file with the court. Some forms are fill-in-the-blank, while others only provide language that must be tailored to the situation. Forms are not available for every situation.

- Some courts have forms available online or in the clerk's office or county law library. Check on your court's or county's website.

- Some court forms are available at www.texaslawhelp.org/TX/index.cfm (click on *a list of forms and topics*.)

- Texas continuing legal education materials often include forms. Search the catalogs of university law libraries for the relevant topic, such as contracts, and include "Texas" in the search.