

5.05 | CAN THE COURT GIVE ME LEGAL ADVICE?

Although the staff of the clerk's office can give basic, general information about court rules and procedures and certain forms, they are prohibited from giving legal advice, interpreting or applying a court rule, or otherwise participating, directly or indirectly, in any action. They cannot explain the meaning of a specific rule, interpret case law, explain the result of taking or not taking an action, answer whether jurisdiction is proper, answer whether a complaint properly presents a claim, or give advice on the best procedure to accomplish a particular objective.

A judge cannot give legal advice because they will rule on motions by the parties and may ultimately decide the dispute. They must remain neutral. A law clerk or other judicial staff member likewise cannot give legal advice. When pursuing your action, you generally cannot speak to the judge or a law clerk without the other party (or the other party's lawyer) present. Except for proceedings in open court, your communication with the judge must be in writing and filed with the clerk's office, with a copy sent to each party (or the party's lawyer if the party is represented). No filing may be in the form of a letter. Sending correspondence directly to a judge or to a judge's chambers is improper.

The court library staff is prohibited from giving legal advice or helping complete a form. A staff member can show you where a book is in the library and how to make a copy of a page from a book.

