

Supreme Court
State of North Carolina
Raleigh

CHAMBERS OF
I. BEVERLY LAKE, JR.
CHIEF JUSTICE

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Memorandum

To: All Employees of the Administrative Office of the Courts
From: Chief Justice I. Beverly Lake, Jr. *IBL*
Re: Guidelines for Providing Legal Information to the Public
Date: September 1, 2004

In August 2003, I appointed an ad hoc committee of the State Judicial Council to review guidelines for court staff who provide legal information to the public. The Committee consisted of Judge Beth Keever, Clerk of Superior Court Tim Spear, Magistrate Jean Massengill, and Public Defender Angus Thompson. This Committee reviewed information from the Institute of Government, articles by a court consultant, and court rules from other states. After dedicated efforts, which are sincerely appreciated, the Committee recommended the following guidelines, which the Supreme Court adopted in late June of this year.

These guidelines are being sent to all employees of the Administrative Office of the Courts, and you are asked to use them as a guide in working with the public. The Judicial Branch is blessed with dedicated and public service minded employees, and these guidelines were developed to assist you as you go about your daily work.

I again thank the members of the ad hoc committee who worked diligently to offer the Court these well-researched guidelines.

IN THE SUPREME COURT OF NORTH CAROLINA

Order

Adopting Guidelines for Court Staff Providing Legal Information to the Public

Pursuant to the recommendations of a subcommittee of the North Carolina Judicial Council, the following guidelines are issued for the benefit of all court staff who provide legal information to the public.

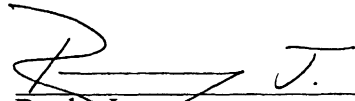
- I. **Purpose:** The purpose of these guidelines is to assist court staff in communicating with individual court users without practicing law. The guidelines are intended to enable court staff to provide the best service possible to individuals within the limits of the individual staff member's responsibility. The guidelines are not intended to restrict powers of court staff otherwise provided by statute or rule. The guidelines are not intended to list all assistance that can be provided. The guidelines recognize that the best service the court staff may provide in many proceedings is advising an individual to seek the assistance of an attorney.
- II. **Impartiality:** Court staff shall remain impartial and may not provide or withhold assistance for the purpose of giving one party an advantage over another.
- III. **Authorized Information and Assistance:** Court staff may do all of the following:
 - A. Provide public information contained in any of the following:
 1. Dockets or Calendars
 2. Case files
 3. Indexes
 - B. Provide a copy of, or recite, any of the following:
 1. State and local court rules
 2. Court procedures
 3. Applicable fees and costs
 - C. Inform an individual where to find statutes and rules without advising whether a particular statute or rule is applicable.
 - D. Identify and provide applicable forms and written instructions without providing recommendations as to any specific course of action.

- E. Answer questions about how to complete forms, such as where to write in particular types of information, but not questions about how the individual should phrase his or her responses on the forms.
- F. Define terms commonly used in court processes.
- G. Provide phone numbers for lawyer referral services, local attorney rosters, or other assistance services, such as the AOC website and other attorney association websites, known to the court staff.
- H. Provide appropriate aids and services for individuals with disabilities to the extent required by the Americans With Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*

IV. Unauthorized Information and Assistance: Court staff may not do any of the following:


- A. Provide legal advice or recommend a specific course of action for an individual.
- B. Apply the law to the facts of a given case, or give directions regarding how an individual should respond or behave in any aspect of the legal process.
- C. Recommend whether to file a complaint or other pleading.
- D. Recommend phrasing for or specific content of pleadings.
- E. Fill in a form, unless required by the Americans With Disabilities Act of 1990.
- F. Recommend specific persons against whom to file complaints or other pleadings.
- G. Recommend specific types of claims or arguments to assert in pleadings or at trial.
- H. Recommend what types or amounts of damages to seek or the specific individuals from whom to seek damages.
- I. Recommend specific questions to ask witnesses or parties.
- J. Recommend specific techniques for presenting evidence in pleadings or at trial.
- K. Recommend which objections to raise regarding an opponent's pleadings or motions at trial or when and how to raise them.
- L. Recommend when or whether an individual should request or oppose a continuance.
- M. Recommend when or whether an individual should settle a dispute.
- N. Recommend whether an individual should appeal a judge's decision.
- O. Interpret the meaning or implications of statutes or appellate court decisions as they might apply to an individual case.
- P. Perform legal research.
- Q. Predict the outcome of a particular case, strategy, or action.

Adopted by the Court in Conference this the 24th day of June 2004. These guidelines shall be delivered to each employee of the Administrative Office of the Courts at the earliest practical and economical mailing by the Administrative Office of the Courts.



Brady, J.
For the Court

Witness my hand and the seal of the Supreme Court of North Carolina, this the 1st day of September 2004.



Christie Speir Cameron
Clerk of the Supreme Court