



How to Distinguish Legal Information from Legal Advice to Better Serve the Public

Access to Justice Maryland Administrative Office of the Courts

mdcourts.gov/accesstojustice

In 2025, the Maryland Judicial Council reviewed and approved this document for use by the Maryland courts. For questions about this guide, please contact Access to Justice at the Maryland Administrative Office of the Courts.

How Can You Help?

As a court employee, you stand at the front door of the justice system. For many individuals – those seeking information, those whose cases will settle or are uncontested – you may be the primary or even the only person they interact with in their dealings with the court.

You are the face of justice in our state. In the eyes of the public, you may control the key to whether they feel they have been fairly treated, and whether our state's justice system is perceived as fair and accessible to all.

The way you treat people and respond to their questions is critical to ensuring that members of the public honor the law and our system of justice, because when people feel they are treated fairly, they are more likely to trust and have confidence in the justice system. Your interactions with the public directly shape this perception.

In many ways you must treat individuals as the court would handle cases: in a neutral, impartial manner. Just as the court strives to be impartial, you should aim to be neutral, while also being helpful. Being neutral does not mean being cold or unresponsive. You can help the public by educating them about what you can and cannot do, while treating them with respect and providing them with as much assistance as you can within ethical bounds.

This document can help. The more you know about what help you can and cannot provide, the more comfortable you will feel operating within the boundaries. The more you know, the more complete information you can provide to the public without overstepping. And the more you help, the better court customers will feel about their experience in the Maryland courts.

This handbook is designed as a quick and easy reference for court staff who work directly with members of the public, providing help on the phone, at the counter, or in the courtroom. Keep it handy so if you have any questions about how to respond to a court user, you may pull it out and reference it.

Of course, if you are not sure how to respond, speak with your supervisor to clarify how best to respond, or refer the person to a lawyer.

Thank you for all you do to ensure access to justice for all in the Maryland courts!

Legal Advice and Legal Information

What is the difference between legal advice and legal information?

Legal Information: General knowledge that, when provided is the same for anyone who asks. This includes:

- Defining terms.
- Explaining roles.
- Outlining procedures and processes.
- Providing forms.
- Clarifying options.
- Referring to programs and resources.
- Directing to statutes and rules.

Legal Advice: Strategic information or guidance provided by applying the law to the facts. This could include telling someone:

- What they should do.
- How a judge may rule based on what you have seen.
- Whether they are entitled to relief.
- Whether they are likely to prevail.
- Which lawyer would be best for them.
- Whether they should file a complaint or not.

Example

Someone has a **temporary protective order** that includes a date and time for a **final protective order** hearing. They want to know why they have another hearing.

You can:

- Define the terms "temporary protective order" and "final protective order."
- **Inform** them where to go on that day and let them know they can attend with their attorney if they have one.

You cannot:

- **X** Tell them how you think their case may be decided.
- **X** Tell them what to say at a specific court event.

Applying a person's particular situation to the law – statutes, decisions in other cases, and rules – would be giving legal advice.

Directing individuals to Online Resources, a Maryland Court Help Center, an On-site Domestic Violence Legal Services Program, or the Court's Law Library

Perhaps the most important thing you can do to aid members of the public seeking assistance with a court or legal matter is direct them to reliable resources, a program, or service where they can get the help they need. Many Maryland courts have resources available to aid members of the public who do not have counsel.

Direct Litigants to Online Resources

The Thurgood Marshall State Law Library maintains an important online legal resource called the People's Law Library of Maryland. The website offers extensive information on Maryland law covering a myriad of topics and is a good starting place for research. Additionally, the Maryland Courts website, mdcourts.gov, offers several resources for the self-represented, including legal information on different areas of Maryland law. Both resources are reliable and a good starting place for the self-represented. Judiciary staff can direct court users to these resources to learn more about Maryland law and procedure. Litigants can use these tools to familiarize themselves with an area of law before speaking with a lawyer.

Direct Litigants to a Maryland Court Help Center

Many Maryland courts have on-site court help

centers. The Maryland Court Help Center also operates a statewide call center where users can get help via phone or chat. These centers are staffed by attorneys or paralegals knowledgeable about Maryland law. Maryland Court Help Center staff can advise litigants whether their case is appropriate for self-representation. They provide forms and help litigants complete them.

Know about other services including the Maryland Court Help Center's phone and chat services.

- What are the program hours and services?
- In what types of cases can they provide help?

Maryland Court Help Centers can provide more detailed information about the court process and what litigants can expect. Help center staff can also help litigants prepare for hearings and understand or respond to court documents that they have received. Help Center lawyers can provide advice but cannot provide representation in court.

The Maryland Court Help Center can help litigants connect with lawyers who may be able to represent them. Help Center staff are trained on providing referrals using the Maryland Justice Passport, a digital tool to keep an individual's information organized and streamline referrals. For more information on the Maryland Court Help Centers, visit mdcourts.gov.

Know whether your court has an on-site help center and find out:

- Where is the program located in the courthouse?
- What are the program's hours?
- In what types of cases can they provide help?
- Does the program serve all individuals or only those who are income-eligible?

Direct Litigants to an On-site Domestic Violence Legal Services Program

Many Maryland courts also have domestic violence legal services programs available in the courthouse. These programs provide safety planning for victims, help filing a petition for protection, and, in many cases, representation in a protective order hearing. If an individual states that they want to file for protection, or if a person indicates that they may have a concern about their safety or may be a survivor of domestic violence, refer them to the program. You do not need to decide whether the person is a perpetrator of abuse or a victim. Refer individuals regardless of their gender or other status, if you think domestic violence is an issue.

Know whether your court has an on-site domestic violence legal services program and find out:

- Where is the program located in the courthouse?
- What are the program's hours?
- Does the program help with peace order cases as well as protective order cases?

Direct Litigants to a Courthouse Law Library

Many courthouses have a law library that is open to the public. Law libraries can provide online or hard copies of the Maryland Code, the Maryland Rules, forms, case law, access to legal search engines, and other important resources. If the court does not offer a form or the document a court user needs to prepare, a law librarian can help them find a sample or template for that type of document. Users can also visit the law library to use a public access computer or to e-file court documents. Maryland law librarians support e-filers by providing help with Odyssey File & Serve. Law librarians are knowledgeable about how to find additional information and can be a valuable resource for the self-represented.

If your court does not have an on-site law librarian, direct them to a neighboring jurisdiction or to the Thurgood Marshall State Law Library in Annapolis. Litigants may also ask the State Law Library's librarians questions online. Find information on Maryland's law libraries on mdcourts.gov.

Know whether your court has an on-site law library and find out:

- Who is the law librarian and what hours are they available?
- What hours is the law library open?
- What resources does the law library offer?

Referring Individuals to Legal Resources in the Community or Online

Sometimes there are other legal resources available in the community or online.

As an employee of the Judiciary, you should be aware of resources in your community that may help court users.

Direct Litigants to Legal Resources

There are over 40 legal services organizations in Maryland. While many of those are concentrated in the metropolitan areas, there are quite a few that operate statewide, and some which may be headquartered in one part of the state but serve other parts as well. There are also many local bar associations in Maryland that operate lawyer referral services. Remember that you cannot refer a court user to a specific private attorney, but you can refer them to a lawyer referral service or a legal services organization. Know what the various types of legal services do:

Lawyer Referral Services provide litigants with the name of a local attorney who handles a specific type of case. Some lawyer referral services have a program through which the person can pay a very small fee for an initial consultation. The individual can then decide if they want to hire that lawyer. Know how your jurisdiction's lawyer referral service works and have the number handy to provide litigants or consider posting it in a public area.

Pro Bono Organizations will assign eligible persons an attorney who will handle their case for free or, in some cases, for a reduced fee.

Legal Services Organizations often have staff attorneys available who can handle cases for eligible clients for free or, in some cases, for a reduced fee.

Hotlines or Help Lines are telephone-based services. Litigants can call to speak with an attorney and get some brief assistance over the phone. The attorney they speak with will not represent them but can provide some simple advice.

Mediation Programs provide a process in which parties work with an impartial mediator who assists the parties in reaching their own voluntary agreement. Mediators do not give legal advice.

Provide information on all programs and resources that may be available to the litigant and let them decide who to reach out to. If you know a local program screens litigants for income eligibility, you can let the litigant know. Do not make assumptions about the income level or other circumstance of the person with whom you are dealing, as they may have circumstances of which you are unaware that make them eligible for the service.

Know what resources are available to litigants in your community and find out:

- In what types of cases can the programs help?
- Do the programs help everyone or only those who are income-eligible?

Direct Litigants to Online Legal Resources

We are fortunate to have some excellent online resources where Marylanders can obtain forms and legal information and learn about legal services resources in the state. Before referring litigants to online resources, ask whether they have access to the internet from home. If they do not, consider directing them to a public library or a public-access computer in the courthouse. Know whether your court provides public-access computers where litigants can view online information or complete and download court forms.

Provide litigants the following web addresses, when appropriate:

mdcourts.gov for basic information about the Maryland courts, legal information relevant for the self-represented, courtrelated services, law libraries, and court forms and instructions.

peoples-law.org for more in-depth information on Maryland law and important links to legal services organizations in the state.

mdcourts.gov/macro for information about mediation and alternative dispute resolution.

Explaining How the Court Works and by Giving General Information on Court Practices and Procedures

As an employee of the Judiciary, you have an obligation to explain court processes and procedures to litigants and other interested members of the public.

Describe Processes, Define Terms, and Detail Options

As a court employee, you have information about the judicial system that many individuals do not have. You may share basic procedural information with the public, as long as you are not aiding them in strategizing about their case.

You can provide information about how to file a complaint, filing fees, and deadlines. You can also define court terms. Judiciary staff who have the training to do so, such as law librarians, may direct litigants to court rules, statutes, and regulations that may apply in their case. All court staff can direct litigants to resources such as the Maryland Court Help Center, other legal service providers, or a law library.

For example, you may assist the litigant in finding a deadline stated in a scheduling order, provide web addresses for online research tools such as the People's Law Library of Maryland or Westlaw, or direct the litigant to the law library for assistance in looking up the rules and statutes that apply to their case.

Example

Someone asks, **"Where can I apply for child support?"**

You can:

- Inform them where to go on mdcourts.gov to learn how to petition the court for child support.
- **Refer** them to Child Support Services where the local office can assist them in establishing child support.

You can provide information on both of these options, as long as you do not advise them which would be best.

Provide Information on Next Steps

When describing court processes, provide sufficient information so that, at a minimum, the litigant knows what procedural steps they may need to take next to keep their case moving forward. Also, inform the litigant of what next steps the court may be taking in the case, e.g., sending the litigant the petition and summons for service or scheduling a hearing. Provide complete and appropriate information to both sides in a court case. If you would not feel comfortable providing the information to one party, do not provide it to the other. Try to provide litigants with enough information so they know the next procedural step they will need to take to advance the case or what they can expect next from the court.

I Can

- Describe court processes.
- Direct litigants to resources to aid research, such as law libraries, and, with the right training, to applicable court rules and statutes.
- Define key terms and concepts or describe the role of Judiciary employees who may be involved in the case.
- Provide copies of documents that are matters of public record.

I Cannot

- Give information if I am unsure of the answer. It's ok to say, "I don't know, but I can refer you to someone who does."
- Advise litigants whether to take a particular course of action. (You cannot say what they "should" do.)
- Take sides in a case or proceeding pending before the court.
- Provide information to one party that I would be unwilling or unable to provide the other.
- Disclose the outcome of a matter submitted to a judge for decision until the outcome is part of the public record, or until the judge directs disclosure of the matter.



Informing Individuals How to Bring Their Problems before the Court for Resolution

You can and should answer questions about the initial steps litigants must take to get their case before the court. You must do this in a way that is neutral and without telling them what they "should" do. Neutral information tells someone how to do something, or whether they can do something. If the question begins with "how" or "can," it is probably okay to answer. If the question begins with "should," it is probably not an appropriate question to answer.

Provide Information on How to Get Started

For example, if a litigant appears indicating that they want a divorce, you can indicate that to start a new case before the court, the individual must first file a petition or complaint. You can define terms and suggest that the person may want to consider obtaining an attorney. If the individual is not represented by a lawyer, you may direct them to a help center, a legal services provider, or to court forms. Tell the person the basic process to follow to file a petition so they understand the next step to take, and inform the person about any filing fees.

You may ask clarifying questions or look up a person's case in the court's information system or in a case file so that you can answer questions correctly. You may not tell a person what grounds they should list in their petition. You can, however, point the person to the law library for legal research, or to a brochure, a website, or instruction that details possible grounds.

Example

Someone asks, **"How can I expunge my criminal record?"**

You can:

- **Direct** them to information on mdcourts.gov, including the video series on expungement, to learn about the process and determine if their case is eligible.
- **Inform** them they must file a petition asking the court to expunge their record.
- **Provide** the forms or direct them where to find the forms they will need.
- **Refer** them to the Maryland Court Help Center for assistance.

Provide Information on Fee Waivers

Inform litigants that they may apply for a waiver of court fees if they believe they cannot pay them. Explain the process for applying and receiving a waiver and provide necessary forms upon request.

Offer Information to Victims or Survivors about How to Protect Their Address and Other Information from the Public

Inform litigants that if they are at risk for domestic violence, they may ask to have their address shielded from the public. Provide information on the state's address confidentiality program and other means to protect sensitive information.

I Can

- Tell a litigant how to bring their problem before the court.
- Point a litigant to a resource to aid in legal research, such as a law library, brochure, or website.
- Give out forms and instructions.
- Answer clarifying questions for litigants completing forms.

I Cannot

- Tell a litigant whether they should bring their problem before the court.
- Tell a litigant what remedy to seek.
- Convey information to a judge or magistrate on behalf of a litigant or allow them to speak with the judge or magistrate directly.
- Tell litigants what to put on their forms.



Providing Information in Case Files, Docket Entries, and Court Reports That Are Public

Most court files are public records. This means that you can and should provide copies of court files or documents that are public upon request.

Provide Access to Court Files and Docket Information

Court files, whether hard copy or electronic, can be difficult for members of the public to understand. You can show litigants how to find what they want in a court file. You can also answer questions or define terms referenced in a court file or court document that the litigant doesn't understand. Do not interpret the legal import of those documents. If someone needs advice on what they should do as a result of what is in the court file, direct the individual to consult with an attorney or refer the person to a help center or other legal resources.

You can show litigants docket information and explain what abbreviations, acronyms, or key terms mean. You can explain how litigants can review the docket or court documents either in hard copy or online.

Know What Is Public and What Is Not

Be aware of which case types are not public. For example, adoption, termination of parental rights, child welfare (Child In Need of Assistance), emergency mental health evaluations, actions for judicial declaration of gender identity, and most juvenile delinquency cases are not public.

This means that only certain individuals may be permitted to access those cases. Sometimes a judge will seal an individual case that would otherwise be a public record.

There are some types of documents which are generally required to be sealed. For example, certain types of evaluations including psychological evaluations are generally sealed. Financial records may also be sealed. Sometimes documents are placed in a court file that should have been sealed, or that the court has sealed but have been left open to plain view. Check with a supervisor, or with a judge or magistrate, if you believe a document has been improperly left unshielded in the court file or if restricted information is visible.

Know the Judiciary rules on restricted information and follow your court's policy for handling sealed or shielded documents and cases.

Be sure you are knowledgeable about the following before disclosing court records:

- Which case types are generally closed to the public?
- Has this particular case been sealed?
- Does the hard copy or electronic record include visible restricted information?
- Who is permitted to review closed case types?
- Who is the person requesting to review the case file?
- Are there any documents in the case file that are sealed or shielded, or which are supposed to be removed from public view?

Assisting Individuals to Complete Forms and Understand Instructions

The Judiciary offers many forms that can be used to help self-represented litigants file and respond to court cases. These forms are available online. The Judiciary also provides Guide & File interviews that users complete by answering a series of plain language questions. The interview completes the form or group of forms for them. Guide & File permits direct e-filing, or the user may print or download the files. For litigants who are unsure what form they need, use the online Forms Finder tool to help identify which forms to use. The Maryland Courts website hosts both a District Court forms finder and a family law forms finder.

You can aid litigants by:

- Providing hard copies of forms and instructions or directing them to those documents online.
- Giving litigants web addresses where they can access online forms and instructions, access Maryland Guide & File interviews, or e-file their documents.
- Directing litigants to a help center, law library, or legal service provider where they can receive help with the forms.
- Directing litigants to a public access computer where they can access forms.

Support users at public access computers by answering questions on how to use the computer or applications.

Provide Forms and Instructions

You may let litigants know that many court forms are available online for free. Many commercial sites sell Maryland forms, but most forms accepted by our courts are available on mdcourts.gov for free.

Answer Simple Questions About Forms

You can also aid individuals by answering basic information about forms and instructions. You can define terms or explain what type of information is required. Be sure to do so in a neutral way, without advising the litigant what might be the best strategic approach for their case. Tell them what type of information is necessary without telling them exactly what words to write on the form or specifically how it should be worded.

Example

A self-represented litigant filling out a Complaint for Absolute Divorce form may ask a clerk's office employee what plaintiff and defendant mean, or what the form means by relief. You can define those terms for the court user, but you cannot tell the court user which forms of relief to ask for.

Help Litigants Use Computers, Websites, and Case Search

You can always answer technical questions about how users can navigate a website or use a public access computer. If litigants are unsure of their case number or the status of their case you can look up case files or case management information and answer those types of questions, if the information is a matter of public record. You can also direct users to Case Search or Maryland Judiciary Record Search and answer questions on how to use it.

Finally, it is important to familiarize yourself with the accessibility features of public access computers as well as the applications used by the court and court users. You can show court users how to adjust the display, the audio settings, or other features to aid them in effectively using computers and computer applications.

Review the Accessibility Toolkit to find these and other helpful resources: https://courtnet.courts.state.md.us/AccessibilityToolkit

- Instructions Visual Accessibility Features in Zoom https://courtnet.courts.state.md.us/ZoomVisual
- Instructions Audio Accessibility Features in Zoom https://courtnet.courts.state.md.us/ZoomAudio
- Tips Helping Persons with Disabilities Use Public Access Computers https://courtnet.courts.state.md.us/AccessibilityComputers



Answering Questions Concerning Schedules and Answering Most Questions about Deadlines or Due Dates

Many court events are driven by due dates and deadlines. Some time frames are dictated by statute or court rule, others by individual court orders. While statutes and court rules are available to the public, they may not be well known by most members of the public.

Provide Accurate Information about Court Schedules

You can always provide information on the docket, court schedules, and filing procedure. For example, court users may need information on how to set an uncontested divorce hearing before a magistrate, or they may need information on what they must do next so that a proceeding can be scheduled.

Provide Information about Deadlines and Due Dates

Providing help with court deadlines is a little more complicated. You may answer questions from litigants about when a particular document is due, if that is clear from court documents. You may also answer basic questions about when certain events must take place, or what the deadlines are for certain filings or proceedings. For instance, you can point to a document, such as a court order, that states the deadline for a certain action, such as completing discovery. You may refer to any public document in providing that information. Be sure the information you are providing is correct, as incorrect information about deadlines and due dates can compromise the litigant's rights and standing before the court.

Example

Someone asks, **"When should I file a motion to dismiss?"**

You can:

- **Inform** them they can check their scheduling order, if there is one, for deadlines they may need to meet.
- **Direct** them to a law library where they can research relevant discovery rules.
- **Refer** them to a Maryland Court Help Center or to consult with an attorney for advice and assistance.

Statutes and court rules also determine how dates are calculated. If you are unsure of how the deadline is calculated or when something is due, refer the litigant to a supervisor, help center, law library, or other legal resource, such as online legal information.

Do not attempt to explain the laws and rules governing statutes of limitations to court users. These rules are very complicated, and it would be very easy to give incorrect or misleading information.

You can provide information in advance so that the court user can file the document in a timely manner.

Offering Accommodations

Many individuals may need accommodations to effectively access the court and its resources. If you become aware that an individual may need an accommodation, you must offer them reasonable accommodations.

Inform Litigants about How and When to Request an Interpreter

If you become aware that a person who will be using the court has limited proficiency in using English, or has a hearing impairment, advise that person that they may be entitled to an interpreter for court proceedings. Solicit help from a qualified bilingual employee, if available, or use telephonic interpretation or remote American Sign Language on-demand. Your office may have material in alternate languages that can be used to help identify the language the person speaks.

Provide information to the litigant on how they can request and obtain an interpreter. Provide the form to request an interpreter for a court hearing. Be knowledgeable about other resources available for non-English speakers and make appropriate referrals.

Review the Language Access Toolkit to find resources on responding to the needs of persons with limited English:

https://courtnet.courts.state.md.us/ LanguageToolkit

Read Materials to Individuals with Limited Literacy Skills, without Interpreting the Document, upon Request

Individuals with limited literacy skills may also need help reviewing court documents or completing forms. If requested, you may read material to a litigant provided you do so in a manner that does not compromise your neutrality. Read it without providing an interpretation of the document. You may, of course, answer basic questions as discussed in this guide to aid the litigant in understanding the document. If the individual requires more detailed information or needs advice on how this affects their specific situation, refer the person to a help center or other legal resource.

Read Materials to Litigants with Visual Impairments or Blindness upon Request

Finally, some litigants may have a visual impairment that makes it difficult or impossible for them to read court documents or forms. You may read court documents to such persons upon request, again, being careful not to interpret the document.

You may also aid litigants with visual impairments by showing them how to display online information in large type, if that will be of help to them. Review the Accessibility Toolkit to find resources on responding to the needs of persons with disabilities: https://courtnet.courts.state.md.us/AccessibilityToolkit

Familiarize yourself with these Maryland Judiciary resources:

- Guidelines for Readers and Scribes
 https://courtnet.courts.state.md.us/GuidelinesReadersScribes
- Guidelines for Visual Interpreters
 https://courtnet.courts.state.md.us/GuidelinesVisualInterpreters



Access to Justice Maryland Administrative Office of the Courts

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