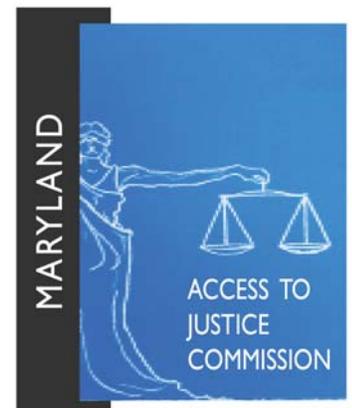




What Can I Do to Help You?

A guide for court staff —
How to distinguish
legal information from
legal advice to better
serve the public.



WHAT CAN I DO?

As a court employee, you stand at the front door of the justice system. To 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. And in their eyes, you may control the key to whether or not they feel they have been fairly treated, whether or not they have access to our state's justice system.

The way you treat them and respond to their questions is critical to ensuring that members of the public honor the law and our system of justice, because if the public feels they have been treated fairly, they are more likely to have trust and confidence in that system.

In many ways you must treat individuals as if you were the court itself. The court must handle cases in a neutral, impartial manner. So too, you must deal with all individuals in a neutral, impartial manner. But being neutral does not mean being cold or unresponsive. You can help educate members of the public as to what you can and cannot do, while treating them with respect and providing them with as much assistance as you can within ethical bounds.

That is how this document can help. The more you know about what help you can and cannot provide, the more comfortable you will feel with the boundaries of proper assistance, and the more complete information you can provide the public without crossing the line. The more you know, the better you can help. 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 the court staff who work directly with members of the public, either over the telephone, 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 will be able to pull it out and reference it.

Of course, if you are not sure how to respond ethically, feel free to suggest the person consult with an attorney, or speak with your supervisor to clarify how best to respond.

Thank you for all you do to help court customers!



I can help by . . .

Directing litigants to the Self-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 a program or service where they can get the help they need. Many Maryland courts have important resources available to aid members of the public, some of whom may not yet have obtained counsel or who may not be able to afford counsel.

Direct Litigants to the Self-Help Center

Many Maryland courts have on-site self-help centers. These centers are staffed by attorneys and paralegals knowledgeable about Maryland law. Self-help center staff can advise litigants whether their case is appropriate for self-representation. They provide forms and aid litigants in completing those forms. They can provide more detailed information about the court process and what litigants can expect. Self-help center staff can also help the self-represented prepare for a hearing and understand or respond to court documents they have received.

Know whether your court has a self-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. The programs provide safety planning for victims, assistance in filing for a petition for protection, and in many cases representation in the protective order hearing. If an individual states that he or she wants to file for protection, or if that person indicates that he

or she may have a concern about their safety or may be a victim of domestic violence, refer that person 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:

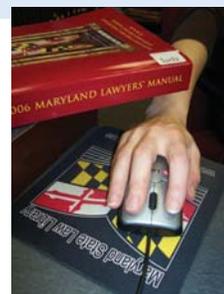
- Where is the program located in the courthouse?
- What are the program's hours?
- Does the program help with peace order cases as well as protective order cases?

Direct Litigants to a Courthouse Law Library

Many courthouses have their own law library which is open to the public. Law libraries can provide copies of the *Maryland Code*, the *Maryland Rules*, forms books, case law, computers, access to legal search engines and other important resources. Law librarians are knowledgeable about how to find out additional information and can be a valuable resource for the self-represented.

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 provide?



I can help by . . .

Referring Litigants to Legal Resources in the Community or on the Internet

Sometimes there are other legal resources litigants can access in the community or on the Internet. As an employee of the Judiciary you should be aware of resources you can direct individuals to in your community.

Direct Litigants to Legal Resources

There are over 30 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, many of which operate lawyer referral services. Know what the various types of legal services organizations do:

Lawyer Referral Services will 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 will 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, without providing legal advice, assists the parties in reaching their own voluntary agreement.

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?

Even if you know a local program screens litigants for income eligibility, let the litigant know but suggest they call the program themselves to determine if they are eligible. 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.

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 the 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, court-related services, 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. This site also has a directory of Maryland mediators and self-tests that litigants can take to see if their case is appropriate for self-representation.

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

I can help by . . .

Explaining How the Court Works and by Giving General Information on Court Rules, 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, Detail Options

As an experienced court employee you have information about the judicial system that many individuals do not have. You may share basic procedural information with the public, so long as you are not aiding them in strategizing about their case. You can describe several options open to a litigant, as long as you do not advise them which option would be best.

You can provide information about filing a complaint, about how to file an answer, inform litigants of filing fees and deadlines, define court terms, and direct litigants to court rules, statutes, and regulations that may apply in their case.

Provide Information on Next Steps

When describing court processes, provide sufficient information so that, at a minimum, the litigant knows what procedural steps he or she may need to take next to keep his or her case moving forward. Also inform the litigant of what next steps the court may be taking in his or her case, e.g., mailing 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 either.

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.

Inform litigants of several options without advising them which is best.

Direct litigants 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.

Advise litigants whether to take a particular course of action. (Cannot say what a litigant “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.

I can help by . . .

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. You may discuss several possible options with a litigant, but do not help the litigant strategize which option is best.

Provide Information on How to Get Started

For example, if a litigant appears indicating that he or she wants 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 those terms and suggest that the person may want to consider obtaining an attorney, or if the individual will be representing himself or herself you may direct that individual to the self-help center, a legal services provider, or to online or hard copy forms. You should tell the person the basic process that is followed in filing a petition so he or she understands 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 advise a person, for example, upon what grounds to file the petition. You can, however, point to relevant law, or direct the person to instructions that may detail what the possible grounds are.

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 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 relevant law or statute.

Give out forms and instructions.

Answer clarifying questions to 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 master on behalf of a litigant or allow them to speak with the judge or master directly.

Tell litigants what to put on their forms.

I can help by . . .

Providing Information in Case Files, Docket Entries and Court Reports That Is 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 can be difficult for members of the public to understand. You can show litigants how to find what they want in the court file. You can also answer questions or define terms the litigants do not understand that are referred to in the court file. You should not interpret the legal import of those documents. If someone needs advice on what he or she 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 self-help center or other legal resource.

You can show litigants a printed docket sheet or online docket information and explain what abbreviations, acronyms or key terms mean. You can explain how litigants can review the docket sheet or online docket information.

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) 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

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 master, if you believe a document has been improperly left open in the court file.

Know and follow your court's policy for handling sealed 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?
- 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 which are supposed to be sealed?



I can help by. . .

Assisting Individuals to Complete Forms and Understand Instructions

The Judiciary offers many forms that can be used by self-represented litigants in filing and responding to court cases. Many of these forms are available online.

Provide Forms and Instructions

You can aid litigants by:

- **Providing hard copies of forms and instructions.**
- **Giving litigants web addresses where they can access online forms and instructions.**
- **Directing litigants to a self-help center, forms helpline or other legal service where they can receive help with the forms.**
- **Directing litigants to a public access computer where they can access forms and by answering questions on how to the use computer.**

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

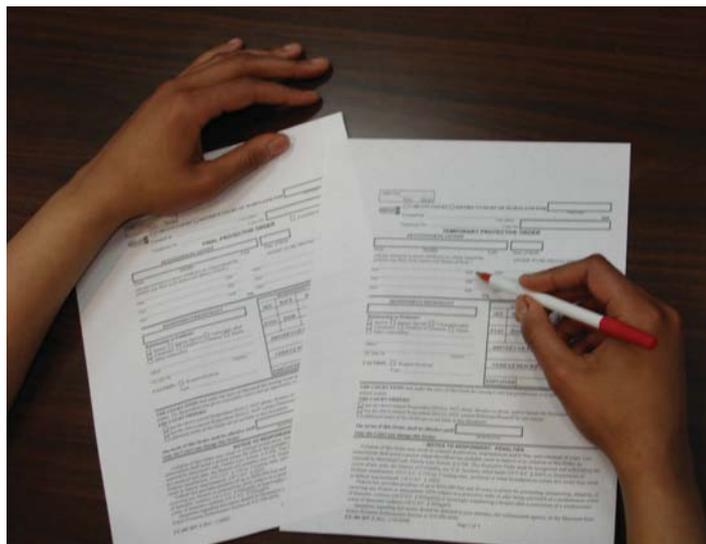
Answer Simple Questions about Forms

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 strategically best. 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.

Help Litigants Use Computers, Websites and *Casesearch*

You can always answer technical questions about how users can navigate a website or make use of 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, provided the information is a matter of public record. You can also direct users to the *casesearch* application and answer questions on how to use it.



I can help by . . .

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 these are public documents they may not be well known by members of the public other than court employees and attorneys.

Provide Accurate Information about Court Schedules

You can always provide information on the docket and court schedules and tell court users how to get something scheduled. Court users may need information, for example, on how to set an uncontested hearing before an examiner or master, or may need information on what they must do next so that a proceeding can be scheduled.

Provide Information about Deadlines, 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 what deadlines must take place, or what deadli

types of filings and/or proceedings. 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.

Statutes and court rules also determine how dates are calculated. You may assist individuals by explaining how court deadlines are calculated and help them in correctly applying those rules, if you know how to do that accurately. If you are unsure of how the deadline is calculated or when something is due, refer the litigant to a supervisor, self-help program, or other legal resource.

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.



I can help by . . .

Offering Additional Assistance to Those with Special Needs

Many individuals may need special assistance to effectively access the court and its resources. If you become aware that an individual may have a special need, you must offer them appropriate additional assistance.

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 he or she may be entitled to an interpreter for court proceedings. If necessary, solicit the assistance of a bilingual employee, if available, or a telephonic interpretation service to communicate directly with the person. 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 he or she can request and obtain an interpreter. Provide the form users can use to request an interpreter for a court hearing. Be knowledgeable about other resources available for non-English speakers and make appropriate referrals.

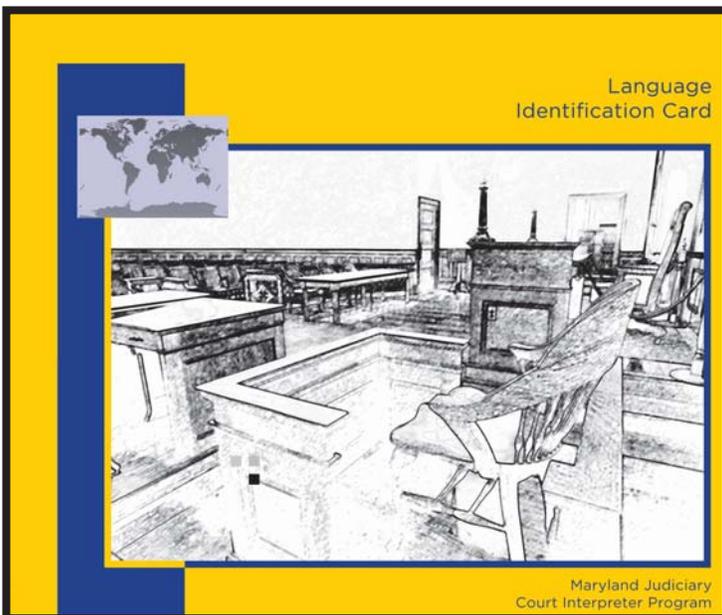
Read Materials to Individuals with Limited Literacy Skills, without Interpreting the Document, upon Request

Individuals with limited literacy skills may also need help reviewing court documents or completing forms. If requested to do so, 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 about deadlines or terms, as aforementioned, to aid the litigant in understanding the document. If the individual requires more detailed information or needs advice on how this affects his or her own situation, refer the person to a self-help center or other legal resource.

Read Materials to Visually Impaired Litigants 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.



Educate yourself about how to display information on public access computers in large type.

A A A

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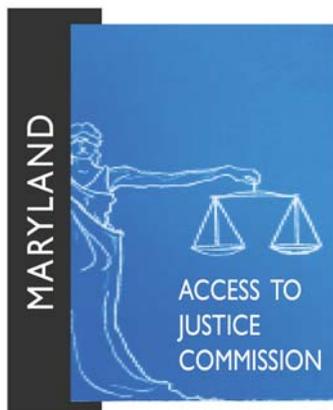
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This document was developed by the Maryland Work Group on Self-Representation in the Maryland Courts and approved for use by the Judiciary. It has been reviewed and endorsed by the Maryland Access to Justice Commission.

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