



Legal Advice vs. Legal Information

What you can do and what you can't do
From SmartLegalForms, Inc.

Unauthorized Practice of Law

- **Holding themselves out to the public in such a manner that the public places some reliance on to properly prepare legal documents;**
- **Advertising any legal form preparation services beyond the business activities of typing legal forms and notary services, and selling legal forms and general printed information;**
- **Advertising in a manner which suggests to the public that the services offered by We The People Forms and Service Center of Sarasota, Inc. and/or Danielle Kingsley are the equivalent of or a substitute for the services of an attorney;**
- **Advertising in any fashion which may lead a reasonable lay person to believe that We The People Forms and Service Center of Sarasota, Inc. and/or Danielle Kingsley offer to the public legal service, legal advice or personal legal assistance regarding any legal matter;**
- **Providing personal services in the preparation of legal documents that goes beyond selling forms, typing forms, providing written information or providing secretarial or notary services;**

Unauthorized Practice of Law

- **Preparing or assisting in the preparation of any pleadings, motions, legal memoranda, arguments, briefs, notices, or any other legal documents or pleadings for another person;**
- **Using the title paralegal or legal assistant**
- **Construing or interpreting the legal effect of Hawaii or Federal laws and statutes for another person, as those laws relate to any legal matter including probate, dissolution of marriage and bankruptcy matters;**
- **Giving advice and/or explaining legal remedies and options to another person that affects their procedural and substantive legal rights, duties and privileges;**
- **Having direct contact with another person in the nature of consultation, explanation, recommendation, advice and assistance in the provision, selection and completion of preprinted legal forms;**
- **Initiating and controlling a lawyer-client relationship, setting fees and paying an attorney to do work for a third party;**

UPL -3

- Engaging in any personal legal assistance in the preparation of legal forms including correcting customer's errors or omissions or providing customers with any assistance in preparing the forms other than mere typing;
- Advising another person as to the need for a will or living trust and related documents and/or identifying the type of will or living trust and related documents most appropriate for another person;
- Funding and/or advising on the funding of a living trust for another person;

Legal Information

- Legal information is general in nature and not tailored to the unique facts of the individual's situation.
- Legal information is neutral and does not recommend a strategic course based on the judgment of the individual offering the information.
- Similarly, legal information might inform an individual of forms that are appropriate to use and the general information about what to include in a statement of facts or a request for relief.
- A legal information provider, or legal document preparer, cannot suggest the specific facts to put on the forms.

Legal Advice

- Legal advice in contrast is specific to the unique circumstances of the inquirer.
- It is strategic in that it offers an approach that is tailored to the fact situation of the asker and goes beyond mere general advice appropriate for all persons who confront the same issue.
- The giving of legal advice is legal representation and creates an attorney-client relationship.

Attorney-Client Relationship

- What is it?
- When is it not created?
- How to avoid it.
- Use of a Waiver
- Other Notices

Types of Legal Information

- Information regarding types of relief available for a particular legal problem;
- Information about ways to address a problem, including referral to other sources of assistance;
- Information about steps that a person can take to prevent a legal problem from arising;
- Materials setting forth and answering “**frequently asked questions**;”
- Information regarding the appropriate forms or pleadings that are necessary to pursue or defend a claim, including information regarding the necessary content of pleadings and other applications for relief of assistance, or defense, but not about the particular facts that should be included on the pleading;
- The process and procedures for seeking relief or defending against a claim, including information about how to serve pleadings and to enforce orders;
- Information to the effect that a legal right or claim may exist and that it would be prudent to seek representation regarding the matter.

Role Plays

- Customer ASKS:
- What exemption should I use?
Federal or State?
- Which form should I use?
- What should I write on this
Questionnaire?
- Should I incorporate or set up an
LLC?

Examples

- What should I do?
- Which document should I use?
- What should I do about... course of action?
- Here is my situation- what do you think? Strategy....

Legal Information

- What steps...
- What procedure...
- What requirements...
- Where do I go to do....
- How long does it take....