

Article: No Legal Advice from Court Personnel - What Does that Mean (Greacen 1995)



This is the seminal article that explores the underlying rationale that resulted in the blanket prohibition of clerk's not being able to provide information to the public for fear that it would be advice. In the article, Greacen suggests the framework that has today become the accepted framework of how to provide ethically appropriate self-represented services. The five guiding principles are:

1. Court staff have an obligation to explain court processes and procedures to litigants, the media, and other interested citizens.
2. Court staff have an obligation to inform litigants, and potential litigants, how to bring their problems before the court for resolution.

3. Court staff must always remember the absolute duty of impartiality. They must never give advice or information for the purpose of giving one party an advantage over another. They must never give advice or information to one party that they would not give to an opponent.
4. Court staff should be mindful of the basic principle that counsel may not communicate with the judge *ex parte*. Court staff should not let themselves be used to circumvent that principle, or fail to respect it, in acting on matters delegated to them for decision.

Recommended Citation: John Greacen, *No Legal Advice from Court Personnel: What Does That Mean?*, 34 Judges' Journal 10 (Winter 1995).

Last updated on September 22, 2020.

Year published: 1995

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