ILLINOIS SUPREME COURT COMMISSION ON ACCESS TO JUSTICE

What is Legal Information?

A Guide to Using the Illinois Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers

Updated December 2018

Legal Information and Advice: Why Does It Matter?

Court employees, court volunteers, law librarians, self-help center navigators, and circuit clerks (collectively "court personnel") play an important role in the operation of our state court system. Together, you share an enormous responsibility -- making fair, equal, and efficient justice available to all. Not only are you essential to the operation of the court system, but you also play a key role in helping the public access, understand, and use the courts. You frequently interact with the public and have the power to shape the public's perception of the legal system. By your actions, you can demonstrate that the courts operate in a fair and impartial manner and that they exist for everyone regardless of income, gender, race, disability status, nationality, language proficiency, or legal status.

As an employee or volunteer of the court or the circuit clerk, you serve as the public face of the justice system. For many court patrons, you may be the primary person they interact with during their court case. You can help build confidence in the justice system by treating them in a fair, neutral, unbiased, and helpful manner. When a court patron feels they have been heard and treated fairly, they will have more trust and confidence in the courts, regardless the outcome of their case.

You have a difficult, but important and rewarding, job to perform. You will be asked many different questions, sometimes by challenging court patrons. You must maintain a careful balance between answering questions in a respectful and courteous manner while remaining impartial and neutral. Your job allows you to empower and educate, but not to represent or advise.

Keep this guide available as a reference in conjunction with the Illinois Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers (also called the "Safe Harbor Policy")[1] amended in November 2018 in case you are unsure how to answer a question or need more information about a possible referral. If you are ever unsure about how to respond, please consult your supervisor to determine the best course of action.

Thank you for all that you do in the service of our state and its judicial system.

About This Guide[2]

This guide is intended as a supplement to the Safe Harbor Policy. It explains, in detail, what services are permitted and prohibited under the policy. This guide shows the breadth of services and resources that fall under the umbrella term of "legal information." In many situations, court personnel are eager to assist court patrons, but are worried about overreaching and mistakenly giving legal advice. This guide is intended to provide additional clarification about what information, services, and resources court personnel can and should feel comfortable sharing without violating ethical rules or crossing the line into legal advice.

---

[1] The full text of the Policy is on the Illinois Supreme Court website at http://www.illinoiscourts.gov/SupremeCourt/Policies/Pdf/Safe_Harbor_Policy.pdf.

[2] This guide was modeled after, with permission, "What Can I Do to Help You," Maryland Access to Justice Commission, Maryland Judiciary, 2010 (http://www.mdcourts.gov/mdatjc/pdfs/manual.pdf). The Illinois Supreme Court Commission on Access to Justice (ATJ Commission) thanks the following individuals for their efforts in creating the original guide in 2017: Cindy Braden, Circuit Clerk of Moultrie County; Halle Cox, Director of the Kane County Law Library & Self Help Legal Center; Kahalah Clay, Circuit Clerk of St. Clair County; Maureen Josh, Circuit Clerk of DeKalb County; Gina Noe, Circuit Clerk of Marshall County; Kelly Smeltzer, General Counsel for the Cook County Circuit Clerk; Tammy Weikert, Circuit Clerk of Rock Island County; Samira Nazem, Administrative Office of the Illinois Courts, Self-Represented Litigant Services Specialist; and Members of the Illinois Supreme Court Access to Justice Commission's Court Guidance and Training Committee: Chief Judge Michael Sullivan of the 22nd Judicial Circuit, David Holtermann of the Lawyers Trust Fund of Illinois, and Joe Dailing. Lastly, the Commission would like to thank the staff of the Administrative Office of Illinois Courts Access to Justice Division: Jill Roberts, Sophia Akbar, Danielle Hirsch, and Alison Spanner, as well as Halle Cox, Self-Represented Litigant Coordinator for working on updates in 2018.

Legal Information & Legal Advice: What's the Difference?

Legal Information is...

General factual information about the law or legal process intended to help a court patron navigate the court system

- **Legal information is neutral**
  Information should not advance one party's legal position over another party's position.
- **Legal information is universal**
  Information should be the same regardless of which party is asking for it.
- **Legal information is objective**
  Information does not require knowledge about specific details of the case.
- **Legal information is unrestricted**
  Information can come from anyone, not just licensed attorneys.

Legal Advice is...

Guidance regarding a court patron's legal rights and obligations in light of their unique facts and circumstances

- **Legal advice is biased**
  Advice is tailored to advance one party's legal position over another party's position.
- **Legal advice is customized**
  Advice will vary depending on who is asking for it and the desired outcome.
- **Legal advice is subjective**
  Advice will change depending on the specific facts of the case.
- **Legal advice is restricted**
  Advice should only come from licensed attorneys.

The Golden Rule of Legal Advice...

Do not say to one party what you would not say to another.

Legal Information Is…

Explaining Court Procedures and Giving Procedural Information

Many court patrons are unfamiliar with the legal system and have questions about filing and responding to lawsuits. You can help move their cases forward by explaining basic court procedure and giving them the information they need to make informed decisions.

"What Should I Do Next?"

You probably hear this question many times every day. During every interaction, try to provide enough information for the court patron to understand the next step in the process and their available options. If you hear certain questions repeatedly, consider creating a handout, brochure, or sign to address them (contact the AOIC for examples).

Give Options, Not Advice

Some court patrons will expect you to act as an attorney, giving them clear instructions as to what to do next. They may be confused, scared, overwhelmed, or emotional and want someone to reassure them that they are making the right decision. Your role is not to help make decisions or offer reassurances. Your role is to share information that helps court patrons make their own decisions. You can empower court patrons to make informed decisions simply by explaining which options are available and how they can learn more. Remember, when answering a question or explaining a process with multiple options, you should try to explain *all* the available options or where to find more information on them, so as not to steer the court patron to choose a particular one.

Should versus Could: Responding when asked for legal advice

Many court patrons ask for legal advice ("What should I do?") and not legal information ("What can I do?"). You can still respond by providing legal information, instead of advice.

Example: How should I serve the other side?

Answer: I can't tell you what you should do, but I can tell you what options are available. There are three approved methods of service. You could pick any of them to serve the other party. [If the patron needs more information, you can share another resource such as a standardized form, self-help center, or website]

I Can…	I Cannot…
Tell a litigant what they can do	Tell a litigant what they should do
Explain a process to a litigant	Make a prediction for a litigant
Share all available options	Suggest one particular option
Give a litigant information that may help them make an informed decision	Make a decision on behalf of a litigant
Provide forms and basic instructions	Fill out forms (except for specific exceptions)
Refer to bar associations and legal aid	Refer to individual private attorneys
Help individuals with disabilities or low literacy by reading documents out loud and/or writing down their answers word-for-word	Make suggestions about what to write on a form or change a litigant's words in any way

Remaining Neutral and Impartial

Even if you think you know what a court patron should do, it is not appropriate for you to tell them. First, you must remain neutral and impartial in the case and cannot offer advice that would unfairly advantage one side over the other. Second, you may not have all the information needed to make the best decision for a court patron. If you follow the Safe Harbor Policy and this guide, you will be able to assist court patrons without engaging in the unauthorized practice of law.

Helping Court Patrons Who Need Legal Advice

Some questions go beyond basic court rules and procedural information. When responding, you can direct the court patron to another resource where they can get the legal assistance needed. This may involve referring the court patron to court rules, statutes, and regulations that govern the case (see page 14) or to a legal aid agency, bar association, or another legal service provider (see page 11-13).

Use Your Toolbox

- Frequently Asked Questions and Tip Sheets (varies by county)
- Procedural Guides and Self-Help Packets (varies by county)
- Courthouse Signs (varies by county)
- Referral Sheets (varies by county, already exist for Illinois JusticeCorps sites)
- IL Supreme Court Forms and Instructions (see page 10)
- ATJ Commission and the Administrative Office of the Illinois Courts (AOIC) Access to Justice Division. For templates, resources, and training sessions, contact Jill Roberts at jroberts@illinoiscourts.gov.

Safe Harbor Policy

The policy allows court personnel to provide legal information about court rules, court terminology, and court procedure (d)(1). The policy also prohibits court personnel from making specific legal recommendations (c)(3) and from giving legal analysis, strategy, research (other than self-guided research assistance), or advice to court patrons (c)(7).

Legal Information Is…

Answering Questions about Court Dates

Most cases involve court dates and deadlines. Some of these dates may be set by statute or local rule, while others are set at the discretion of the court or scheduled by the parties. This information is usually public, but it is not always easy to find.

Understanding Court Dates and Deadlines

You can let court patrons know about existing court dates and deadlines. If your county has an online docket, you can show court patrons how to use it to check upcoming court dates. You can answer questions about due dates, but only if they are clear from a court document, local rule, or statute. You can also give a court patron relevant information (*e.g.*, upcoming court holidays).

Statutes of Limitations

Rules governing the statutes of limitations are very complicated and may require more knowledge about a case than you have available. You should not attempt to explain the laws and rules governing the statute of limitations. Instead, you can tell a court patron that there *may* be a statute of limitations and direct them to a legal resource where they can determine for themselves what it is.

Scheduling Court Dates

Some court patrons need help scheduling a new court date or changing a previously scheduled one. You can explain what the process is for scheduling or changing a court date. If the court patron is seeking to change an existing court date, you can let them know that the request must be approved by a judge and is not guaranteed. When scheduling new court dates, you can also share information about a judge's court schedule.

Use Your Toolbox

- Online Docket (if available)
- Illinois Legal Aid Online (https://www.illinoislegalaid.org/)
- Illinois Compiled Statutes (http://www.ilga.gov/legislation/ilcs/ilcs.asp)

Safe Harbor Policy

The policy allows court personnel to provide requirements for scheduling hearings (d)(1) and docket information (d)(12).

Legal Information Is…

Helping Limited English Proficient (LEP) Court Patrons

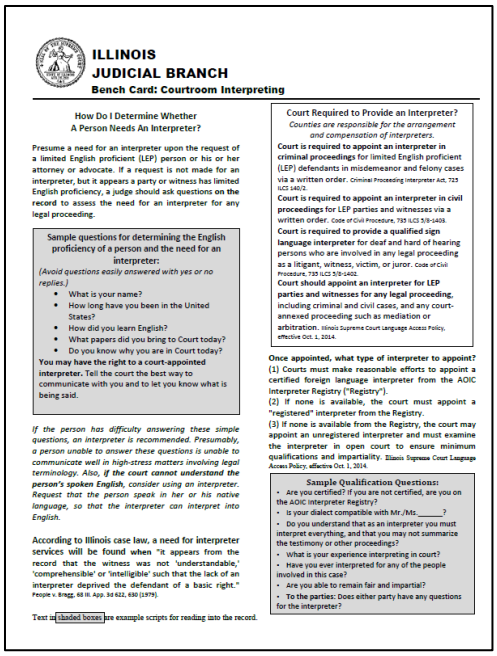
Did You Know?

Over one million Illinois residents are limited English proficient (LEP), representing 21.7% of the state. Illinois also has over 126,000 deaf or hard of hearing residents, representing 1.6% of the adult population.

Many Illinois residents need language assistance when interacting with the courts. If you encounter an LEP litigant, you can advise that person that they are entitled to an interpreter for all court proceedings, both civil and criminal. You can also use a bilingual staff member or a telephonic interpretation service to communicate directly with the litigant in the courthouse.

Language Access Plans

The Illinois Supreme Court has adopted a statewide Language Access Policy, and each judicial circuit has its own local plan (see http://www.illinoiscourts.gov/CivilJustice/LanguageAccess). Become familiar with your local language access plan and understand how to respond when a litigant needs assistance in a language other than English. The AOIC has created two bench cards, one for judges and one for court personnel, to serve as a quick reference for language access services, statutes, and policies.



ILLINOIS
JUDICIAL BRANCH
Bench Card: Courtroom Interpreting

How Do I Determine Whether A Person Needs An Interpreter?

Presume a need for an interpreter upon the request of a limited English proficient (LEP) person or his or her attorney or advocate. If a request is not made for an interpreter, but it appears a party or witness has limited English proficiency, a judge should ask questions on the record to assess the need for an interpreter for any legal proceeding.

Sample questions for determining the English proficiency of a person and the need for an interpreter:
(Avoid questions easily answered with yes or no replies.)

- What is your name?
- How long have you been in the United States?
- How did you learn English?
- What papers did you bring to Court today?
- Do you know why you are in Court today?

You may have the right to a court-appointed interpreter. Tell the court the best way to communicate with you and to let you know what is being said.

*If the person has difficulty answering these simple questions, an interpreter is recommended. Presumably, a person unable to answer these questions is unable to communicate well in high-stress matters involving legal terminology. Also, **if the court cannot understand the person's spoken English,** consider using an interpreter. Request that the person speak in her or his native language, so that the interpreter can interpret into English.*

According to Illinois case law, a need for interpreter services will be found when "it appears from the record that the witness was not 'understandable,' 'comprehensible' or 'intelligible' such that the lack of an interpreter deprived the defendant of a basic right." People v. Bragg, 68 Ill. App. 3d 622, 630 (1979)

Text in shaded boxes are example scripts for reading into the record.

Court Required to Provide an Interpreter?
Counties are responsible for the arrangement and compensation of interpreters.

Court is required to appoint an interpreter in criminal proceedings for limited English proficient (LEP) defendants in misdemeanor and felony cases via a written order. Criminal Proceeding Interpreter Act, 725 ILCS 140/2.
Court is required to appoint an interpreter in civil proceedings for LEP parties and witnesses via a written order. Code of Civil Procedure, 735 ILCS 5/8-1406.
Court is required to provide a qualified sign language interpreter for deaf and hard of hearing persons who are involved in any legal proceeding as a litigant, witness, victim, or juror. Code of Civil Procedure, 735 ILCS 5/8-1402.
Court should appoint an interpreter for LEP parties and witnesses for any legal proceeding, including criminal and civil cases, and any court-annexed proceeding such as mediation or arbitration. Illinois Supreme Court Language Access Policy, effective Oct. 1, 2014.

Once appointed, what type of interpreter to appoint?
(1) Courts must make reasonable efforts to appoint a certified foreign language interpreter from the AOIC Interpreter Registry ("Registry").
(2) If none is available, the court must appoint a "registered" interpreter from the Registry.
(3) If none is available from the Registry, the court may appoint an unregistered interpreter and must examine the interpreter in open court to ensure minimum qualifications and impartiality. Illinois Supreme Court Language Access Policy, effective Oct. 1, 2014.

Sample Qualification Questions:

- Are you certified? If you are not certified, are you on the AOIC Interpreter Registry?
- Is your dialect compatible with Mr./Ms._____?
- Do you understand that as an interpreter you must interpret everything, and that you may not summarize the testimony or other proceedings?
- What is your experience interpreting in court?
- Have you ever interpreted for any of the people involved in this case?
- Are you able to remain fair and impartial?
- To the parties: Does either party have any questions for the interpreter?

In-Person and Remote Interpreting Services

The AOIC maintains a registry of interpreters who have demonstrated proficiency in both interpreting skills and language fluency. You can use the registry to contact interpreters directly. The AOIC offers some reimbursement for the use of certified interpreters from the registry. For immediate interpreting services, you may consider using Language Line, a phone service which can connect you with interpreters remotely. There is no cost to set up an account in your courthouse and you pay only for the minutes that you use.

Use Your Toolbox

- Interpreter Registry (https://publicapps.illinoiscourts.gov/)
- Language Line (https://www.languageline.com/)
- "I Speak" cards (https://www.lep.gov/ISpeakCards2004.pdf)
- AOIC resources including bench cards, multilingual signs, and translated forms (http://www.illinoiscourts.gov/CivilJustice/LanguageAccess/)

Safe Harbor Policy

The policy allows court personnel to assist court patrons with requesting a foreign or sign language interpreter (d)(2). The policy also allows court personnel to provide court forms, including translated ones, to court patrons (d)(7).

Legal Information Is…

Accommodating Court Patrons with Disabilities or Special Needs

Did You Know?
The most recent U.S. Census Bureau reports over 55 million Americans live with disabilities. Nearly 20% of Illinois residents have a disability, including 35% of the population age 65 or over.

Many court patrons need extra help accessing the courts because of disabilities. You can help them request a "reasonable accommodation" or connect them with the local Court Disability Coordinator.

Understanding the ADA

The Americans with Disabilities Act (ADA) applies to any individual who has a "physical or mental impairment that substantially limits one or more major life activities." The ADA applies to *all* court patrons, including victims and spectators, and not just to litigants. Under the ADA, a court patron can ask for a "reasonable accommodation," a modification of court rules or procedures, to help them fully access the court.

Some examples include:

- Allowing phone or video appearances for a litigant who cannot travel due to a disability
- Scheduling a court date around a litigant's medical appointments
- Requesting a sign language interpreter for a deaf witness
- Reading a document out loud for a court patron with a visual impairment
- Permitting food and beverage in the courthouse for medical reasons

"Do You Need Assistance Because of a Disability?"

Some disabilities are "invisible" and not immediately apparent. Some court patrons with "visible" disabilities may not need an accommodation. Do not make assumptions about a court patron's disability or the level of assistance required. Instead, use the question above – "Do you need assistance because of a disability?" – to ask, in a neutral way, if a court patron would like additional assistance.

Forms Assistance

If a court patron has a disability that prevents him or her from writing, you should assist with filling out forms. You should write exactly what the court patron says without any changes. You may want to ask another staff person to act as a "witness" or have the court patron sign a disclaimer stating that you are simply writing his or her words. This can protect you if there is any dispute about your role.

Use Your Toolbox

- Local Court Disability Coordinator (every court has one and you should be familiar with them and the process for requesting accommodations)
- Supreme Court Policy on Access for Persons with Disabilities http://www.illinoiscourts.gov/SupremeCourt/Policies/DisabilityPolicy/
- IL Attorney General's Office – Disability Rights Bureau
  - Technical Assistance: Chicago 312-815-5684; Springfield 217-524-2660

Safe Harbor Policy

The policy provides for informing patrons of the process for requesting a reasonable accommodation (d)(3). The policy echoes the ADA requirement that court personnel help complete forms if they are unable to do so because of a disability (d)(8) and to assist with requesting sign language interpreters (d)(2).

Legal Information Is…

Informing Court Patrons about Court Fees and Fee Waivers

In most civil cases, court patrons must pay a fee before filing a new case or responding to an existing one. Filing fees can vary by county and case type, and often change from year to year. Make sure you have current fee information available.

Did You Know?

In 2015, the poverty rate in Illinois reached the highest rate in fifty years with nearly one in three Illinois families living below or near the Federal Poverty Level (currently $25,100 annually for a family of four). Fee waivers can make the courts accessible for families and individuals who might otherwise have to choose between paying their bills and exercising their legal rights and remedies.

Fee Waiver Statute

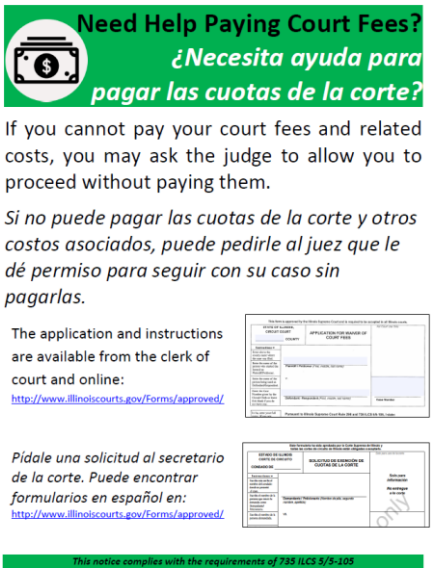
For civil cases, court patrons can apply for a waiver of court fees pursuant to 735 ILCS 5/5105. The fee waiver application is then reviewed by a judge who determines whether the applicant meets the financial criteria set forth in the statute. The fee waiver statute also requires that circuit clerks post signs advising court patrons that they can apply for a fee waiver in English and Spanish. The AOIC has created signs for court personnel to use.

Fee Waiver Standardized Forms and Instructions

The Illinois Supreme Court fee waiver form is required for use in every county. The form is at http://www.illinoiscourts.gov/forms/approved/ and has been translated into six languages (Spanish, Polish, Arabic, Korean, Mandarin Chinese, and Russian).

Use Your Toolbox

- AOIC Fee Waiver Signs (see image)
- ILAO Guided Interview – Fee Waiver
- Translated Forms – Fee Waiver
- Illinois Supreme Court Forms and Instructions (http://www.illinoiscourts.gov/forms/approved/)



Need Help Paying Court Fees?
¿Necesita ayuda para pagar las cuotas de la corte?

If you cannot pay your court fees and related costs, you may ask the judge to allow you to proceed without paying them.

Si no puede pagar las cuotas de la corte y otros costos asociados, puede pedirle al juez que le dé permiso para seguir con su caso sin pagarlas.

The application and instructions are available from the clerk of court and online:
http://www.illinoiscourts.gov/Forms/approved/

Pídale una solicitud al secretario de la corte. Puede encontrar formularios en español en:
http://www.illinoiscourts.gov/Forms/approved/

This notice complies with the requirements of 735 ILCS 5/5-105

When Are Court Fees Waived?

Court personnel are not responsible for deciding who can and should have their court fees waived. If someone asks for a fee waiver application, you should give them the form regardless of whether or not you think they are eligible. Be careful not to make assumptions about a court patron's ability to pay as it is ultimately the judge's responsibility to make that determination. When reviewing fee waiver applications, judges will look at several factors including annual household income, eligibility for means-based public benefit programs, and other factors that could demonstrate financial hardship.

Safe Harbor Policy

The policy permits court personnel to provide information about and forms for requesting a fee waiver due to inability to pay (d)(4).

Note: A change to the civil fee waiver statute and creation of a criminal fee waiver will go into effect on July 1, 2019 allowing for 100%, 75%, 50%, or 25% waivers. The AOIC will conduct outreach to court personnel once the statute and rule changes are finalized.

Legal Information Is…

Providing assistance with Electronic Filing (e-filing)

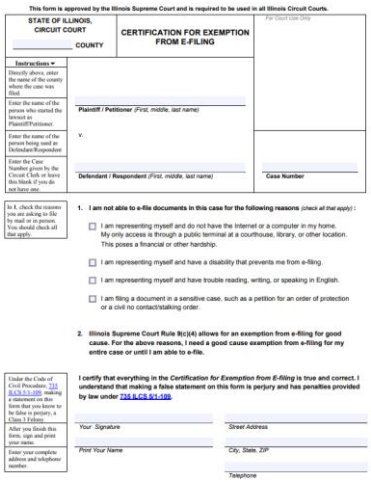
E-filing has changed how court patrons interact with the court system. Some court patrons e-file from outside of the court building, but many others are coming to the courthouse and require guidance to be able to successfully e-file.

What information can court personnel provide?

All of the instructions needed to walk someone through e-filing is allowable legal information that can be provided to court patrons including, but not limited to: where to find and select an Electronic Filing Service Provider (EFSP); how to register for an EFSP account and set up an email address; how to sign into the EFSP or how to reset an account; how to file into a case including information about: searching for an existing case by case number or party; creating a payment account; selecting locations, case category, and case type; entering party information; uploading documents to file in the correct format and size; selecting filing codes and differentiating between lead documents and attachments; how a paper or electronic document can be converted to the required file type (PDF) through equipment available within the courthouse; and why a filing was rejected.

What if someone can't e-file?

Illinois Supreme Court Rule 9 governs the mandatory nature of e-filing, but also lists exemptions from e-filing. Self-represented litigants are automatically exempt from e-filing if they are incarcerated in a local jail or correctional facility or have a disability that prevents them from e-filing. Wills and anything filed under the Juvenile Court Act are also automatically exempted from e-filing.



This form is approved by the Illinois Supreme Court and is required to be used in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY

CERTIFICATION FOR EXEMPTION FROM E-FILING

For Court Use Only

Instructions ▾

Directly above, enter the name of the county where the case was filed.

Enter the name of the person who started the lawsuit as Plaintiff/Petitioner.

Enter the name of the person being sued as Defendant/Respondent.

Enter the Case Number given by the Circuit Clerk or leave this blank if you do not have one.

Plaintiff / Petitioner (First, middle, last name)

v.

Defendant / Respondent (First, middle, last name)

Case Number

In 1, check the reasons you are asking to file by mail or in person. You should check all that apply.

1. I am not able to e-file documents in this case for the following reasons (check all that apply):
   - ☐ I am representing myself and do not have the Internet or a computer in my home. My only access is through a public terminal at a courthouse, library, or other location. This poses a financial or other hardship.
   - ☐ I am representing myself and have a disability that prevents me from e-filing.
   - ☐ I am representing myself and have trouble reading, writing, or speaking in English.
   - ☐ I am filing a document in a sensitive case, such as a petition for an order of protection or a civil no contact/stalking order.
2. Illinois Supreme Court Rule 9(c)(4) allows for an exemption from e-filing for good cause. For the above reasons, I need a good cause exemption from e-filing for my entire case or until I am able to e-file.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

After you finish this form, sign and print your name:

Enter your complete address and telephone number.

I certify that everything in the Certification for Exemption from E-filing is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

Your Signature

Print Your Name

Street Address

City, State, ZIP

Telephone

Self-represented litigants are exempt from e-filing for good cause if they turn in a Certification for Exemption from E-filing form stating that they:

- Don't have a computer or internet in their home;
- Have difficulty reading or writing in English; OR
- Are filing a sensitive pleading like an Order of Protection.

You are able to inform court patrons of the existence of the exemption and the process for getting an exemption. Remember, the Certification does not require court approval, if the form is presented to the Clerk's office along with paper documents, everything should be accepted.

Use Your Toolbox

- Statewide e-filing guides in English and Spanish as well as some videos can be found at: http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp

Safe Harbor Policy

The policy lists the type of e-filing information that may be provided (d)(5) and permits providing information about the e-filing exemption and process for getting it (d)(6).

Legal Information Is…

Providing Forms and Instructions

One of the most common requests from court patrons is for court forms. Directing court patrons to the appropriate form and providing the information needed to complete and file it can enable them to effectively use the court system to resolve a legal problem.

How Much Help is Too Much Help?

Some court patrons need help selecting the correct form and filling it out. They may ask you to choose the form for them or to review the form before it is filed. You should be careful not to cross the line into legal advice. You can explain the function and purpose of different forms and can identify which form they need based on their description of their situation. You can also review a form for completeness, but should not check the accuracy of the answers. You can answer basic information about the terms used on a form or the type of information requested, but should not help a court patron answer the questions. You should not second guess a court patron's choice of form when they are filing it, even if you believe it to be the wrong one. You should file all forms exactly as they are given to you without modification (although you can tell a court patron if it is incomplete). A judge will make the ultimate decision about the forms' accuracy.

Did You Know?

Every Illinois Supreme Court form is written in plain language by a group of clerks, lawyers, law librarians, judges, and legal aid attorneys and goes through user testing and public comment before publication. The forms also come with detailed instructions and frequently asked questions. The entire process takes over a year to create one form. Forms are available at: www.illinoiscourts.gov/Forms/forms.asp

Assisting Low Literacy Court Patrons

Court patrons with limited literacy may struggle to complete forms. You can assist by reading the form to the court patron, answering basic questions about the terms used, and writing their answers word-for-word. However, you should not interpret or summarize the document or help the patron come up with answers. For information on assisting court patrons with disabilities, see page 7.

Use Your Toolbox

- Illinois Supreme Court Forms and Instructions (http://www.illinoiscourts.gov/forms/approved/) (Forms in English, Polish, Spanish, Korean, Arabic, Russian, and Chinese)
- Illinois Legal Aid Online Automated Forms (https://www.illinoislegalaid.org/)

Safe Harbor Policy

The policy permits court personnel to assist court patrons in accessing forms and related instructions and to answer basic questions about the forms (d)(7). Additionally, one can identify forms and provide services based on the assumption that the information provided by the court patron is accurate and complete (d)(15). The policy also permits court personnel to review forms for completeness (d)(9) and assist court patrons with low literacy is a disability with reading and completing court forms (d)(8).

Legal Information is…

Giving Attorney Referral Information

National surveys show that most self-represented litigants wish they had an attorney; they simply cannot afford or cannot find one. Connecting litigants with bar associations and legal aid or *pro bono* attorneys, is one way you can help court patrons get the legal help they need.

Understanding Different Legal Services

Not all lawyers are alike, and to make the best possible referrals, you should understand some of the different types of lawyers and legal service organizations.

- **Lawyer Referral Services**: These services, often organized by local or state bar associations, can connect a court patron with a local attorney who will offer an initial consultation for a small fee. The litigant can then decide if they want to hire the attorney for a fee.
- **Legal Aid Agencies**: These are non-profit agencies that offer free or low-cost legal service, usually to low-income people. Each agency has different eligibility criteria, especially around case type and income level. A complete list of legal aid agencies in Illinois can be found on ILAO (https://www.illinoislegalaid.org/get-legal-help).
- **Hotlines and Help Desks**: These resources offer brief legal assistance, either over the phone or in-person. Most are restricted to certain case types and may only operate during certain hours of the day or days of the week. These services are free, and do not usually include representation in court. *For example*: Illinois Armed Forces Legal Aid Network (IL-AFLAN) statewide veteran's hotline 1-855-452-3526.
- ***Pro Bono* Services**: These services are provided by private practice attorneys at no-cost to low-income litigants. Many *pro bono* attorneys represent clients through court-based *pro bono* programs, legal aid agencies, or bar associations. Some *pro bono* attorneys host clinics or walk-in hours at their local courthouses.
- **Mediation Programs**: These programs connect litigants with impartial mediators (who may also be attorneys) to help resolve disputes voluntarily outside of court. Some mediation programs offer free services to low-income litigants. Visit the Resolution Systems Institution website for a list of all programs in Illinois: http://courtadr.org/sourcebook/programs.php.

Did You Know?

Every county in Illinois is served by one of the following legal aid organizations that provide free legal services:

- LAF (Cook County) http://www.lafchicago.org/
- Prairie State Legal Services (Northern Illinois) https://pslegal.org/
- Land of Lincoln Legal Assistance Foundation (Southern Illinois) http://lollaf.org/

Many services have restrictions based on case type, income, or other criteria. When making referrals, do not make assumptions about someone's income level or circumstances, but do make them aware of any eligibility criteria.

Use Your Toolbox

- Local Bar Associations (varies by county)
- Local Legal Aid and Pro Bono Organizations (varies by county)
- Illinois State Bar Lawyer Finder (http://www.illinoislawyerfinder.com/)
- Resource and Referral List (template available from the AOIC)

Making Attorney Referrals

You cannot make referrals to specific attorneys who charge a fee for their services. However, you can make general referrals to bar associations or legal aid agencies that offer free or low-cost services. If you do not have a local bar association, you can refer court patrons to the Illinois State Bar Association's Lawyer Finder at http://www.illinoislawyerfinder.com/find-a-lawyer.

Limited Scope Representation

For litigants who have some money, but not enough to hire an attorney for an entire case, limited scope representation may be a good option. Illinois Supreme Court Rule 13 allows attorneys to file a "Limited Scope Appearance" to represent a litigant for a certain court date or discrete portion of a case. Attorneys can also offer limited scope services like document preparation and coaching outside of court. This is generally cheaper than hiring an attorney for the entire case. The Supreme Court website has more information on limited scope representation available at: http://www.illinoiscourts.gov/civiljustice/Resources/Attorneys/Limited_Scope_Rules.asp.

Safe Harbor Policy

The policy prohibits court personnel from referring court patrons to specific attorneys or law forms who offer fee-based services (c)(5). The policy allows court personnel to make general referrals to lawyer referral services, legal aid agencies, *pro bono* attorneys, limited scope legal services, law and public libraries, and web-based resources, as well as for different kinds of non-legal resources, including domestic violence services (d)(10).

Legal Information Is…

Providing Referrals to Legal Resources/Community Organizations

There are many legal resources available in Illinois, although they vary greatly from county to county. Some of these resources exist inside the courthouse (court-based legal resources) while others may require the court patron to travel outside the courthouse or to visit a website (community-based legal resources). You may not have all the following resources in your county, but you likely have several of them. Take a few minutes to familiarize yourself with the services available in your courthouse and community so you can best assist court patrons.

Court-Based Legal Resources	Community-Based Legal Resources
Legal Self-Help Center	Illinois Legal Aid Online
Law Library	Public Library
JusticeCorps	Bar Association
Mediation (Pro Bono)	Mediation (Fee-Based)
Legal Help Desk	Legal Aid Providers
Pro Bono Hours	Pro Bono Attorneys
Self-Help Resources	Self-Help Resources

Making Good Referrals

A bad referral can be worse than no referral as it may waste time or set unrealistic expectations. To make a good referral, you should know the types of information and services available, any eligibility criteria, and contact information including hours of operation. Remember to check your referral list periodically to make sure your information is up-to-date.

Illinois Legal Aid Online (ILAO)

One helpful statewide resource is Illinois Legal Aid Online (https://www.illinoislegalaid.org/). ILAO offers web-based legal information and forms in several areas of law including family, housing, consumer, immigration, public benefits, and traffic. ILAO also operates Illinois Free Legal Answers at https://il.freelegalanswers.org/. Users can submit up to three legal questions by email and receive a response from an attorney within one week. When referring to ILAO, or any web-based resource, check on personal internet access or direct them to a public library or other public-access computer.

Community Organizations

Most legal problems do not begin or end in the courthouse. Many court patrons will also need non-legal help to completely resolve their legal problems. By referring court patrons to social service providers or community organizations, you can help them continue working to solve their problems, even outside of the courthouse.

There are many situations where a court patron can benefit from a non-legal referral, including:

- Someone facing eviction asking for information about homeless shelters
- A veteran with a debt collection case asking how to apply for public benefits
- A survivor of domestic violence asking for counseling services

Social service resources are highly localized. Take a few minutes to learn which service providers operate in your area and basic information including the services provided, hours of operation, and eligibility criteria.

The Illinois Domestic Violence Act (IDVA)

Section 750 ILCS 60/202(d) of the IDVA states that "The court ***shall*** provide, through the office of the clerk of the court, simplified forms and ***clerical assistance to help with the writing and filing*** of a petition under this Section by any person not represented by counsel."

The best practice is still to refer court patrons to local DV advocates who have specialized training. However, if that option is not available, you can and should help court patrons. The IDVA applies to all persons filing for protection, regardless of gender, sexual orientation, immigration status, or language proficiency.

Use Your Toolbox

- Local DV Advocates
- Illinois DV Hotline: (1 877 TO END DV)
- Resource and Referral List (template available from the AOIC)
- Public Benefits Information: https://abe.illinois.gov/abe/access/

Find Your Local Service Providers

The State of Illinois has compiled several lists to help you find your local social service providers:

- Emergency/Transitional Housing Providers: http://www.dhs.state.il.us/page.aspx?item=64686
- Mental Health Services: http://www.dhs.state.il.us/page.aspx?item=30893
- Domestic Violence Services: http://www.dhs.state.il.us/page.aspx?item=31886
- Alcoholism/Substance Abuse Services: http://www.dhs.state.il.us/page.aspx?item=29731

Legal Information Is…

Providing Court Records, Rules, Statutes, and Public Information

Sometimes court patrons have questions that can be answered simply by connecting them with the appropriate case file, court rule, or statute. You can direct them to publicly available information by explaining the different ways to access it, both in-person and online.

Using Your Local Librarians

Public librarians and law librarians can help court patrons find the rules and statutes that govern their cases. Find out who your local librarians are, what services they can provide, and their hours of operation.

Commonly Used Statutes and Court Rules

Many court patrons need help finding the laws, regulations, and rules that govern their case. While you should not explain the rules yourself, you can assist court patrons in finding the rules so they can read them on their own. Public libraries and law libraries may have access to legal texts, electronic legal databases like WestLaw or LexisNexis, or both.

Court Files and Docket Information

Court files can seem confusing to court patrons. You can help by explaining what types of information they will find in a court file and how to request it. You can answer questions or define terms that the patron may not understand in the court file, but should not interpret the legal information and court orders found in the file. You can also show a court patron how to read an electronic or print docket sheet by defining abbreviations and acronyms mean.

Public and Private Court Records

Not all court files are public records. Make sure that you know how to recognize a sealed file. Some categories of cases are always sealed (*e.g.*, juvenile delinquency cases) while others are sealed by order of the judge. In some circumstances, specific documents in a case file may be sealed while others may be public. Sealed records should not be shared with anyone, even a party to the case, without a court order.

Use Your Toolbox

- Local law library or public library (varies by county)
- WestLaw or LexisNexis (if available)
- Illinois Compiled Statutes (http://www.ilga.gov/legislation/ilcs/ilcs.asp)
- Illinois Supreme Court Rules (http://www.illinoiscourts.gov/SupremeCourt/Rules/default.asp)

Safe Harbor Policy

The policy allows court personnel to provide legal information about court rules and terminology (d)(1) and to share public case files and information on how to access them electronically (d)(13). The policy also allows court personnel to assist court patrons in pursuing self-guided legal research (d)(18).