

New article on what lawyers and pro se litigants have in common - both would love to pick the Court Clerk's brain

Court Clerks are very knowledgeable of court procedures and requirements, but the impartial administration of justice prevents Clerks from giving "legal" advice

ST. CHARLES, ILLINOIS, UNITED STATES, January 22, 2019 /EINPresswire.com/ -- In a new article, Illinois lawyer [William B. Blanchard](#) discusses the issue of advice from court clerks. Lawyers are usually in a hurry and do not always have the time to research minute court procedures, application forms and other requirements. Many people who end up in Court do not have the money to hire a lawyer and thus end up representing themselves in court ("pro se"). For both lawyers and pro se litigants, the first point of contact with the Court is usually the court clerk. While many court clerks want to help, they are restricted in what they are allowed to do and say.

In his most recent article, [William Blanchard](#), Esq. addresses the issue that affects attorneys and pro se litigants alike – they all wish they could pick the court clerk's brain ... but they cannot. The complete article is available on the Blog of Mr. Blanchard at <https://williamblanchardblog.blogspot.com/>



William B. Blanchard, Real Estate Attorney

That clerks cannot provide legal advice in Illinois is prominently stated in many documents and on many websites. Illinois Legal Aid Online notes that "Clerks, judges, and other court employees cannot give you legal advice or tell you what you should do in your case. There may be a help desk available at the court where you can get some advice." <https://www.illinoislegalaid.org/legal-information/going-court-basics>. The "Illinois Supreme Court Policy On Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers" states: "Prohibited Services. Circuit clerks, court staff, law librarians, and court volunteers—acting in a non-lawyer capacity on behalf of the court—shall not: Provide legal analysis, strategy or advice to a court patron, or perform legal research other than assistance in self-guided legal

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pro se litigants will not read a brochure like "May I help you?" before asking a court clerk for help. This issue will continue, possibly forever. Legal self-help centers may provide some relief ..."

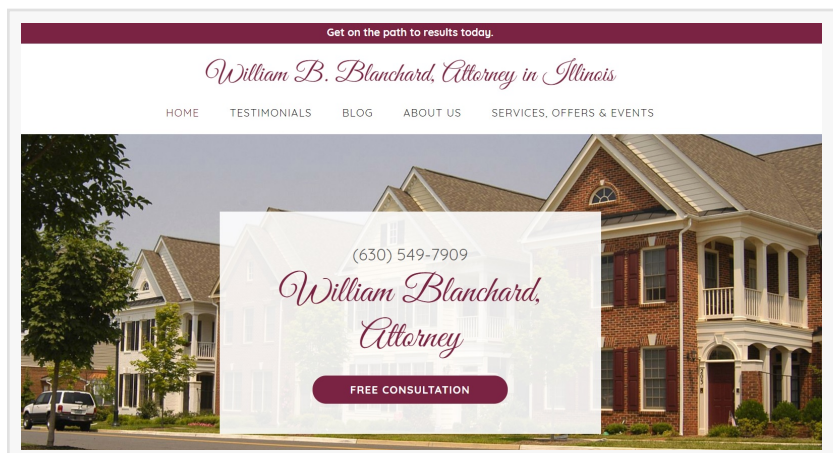
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research for any court patron; ..."

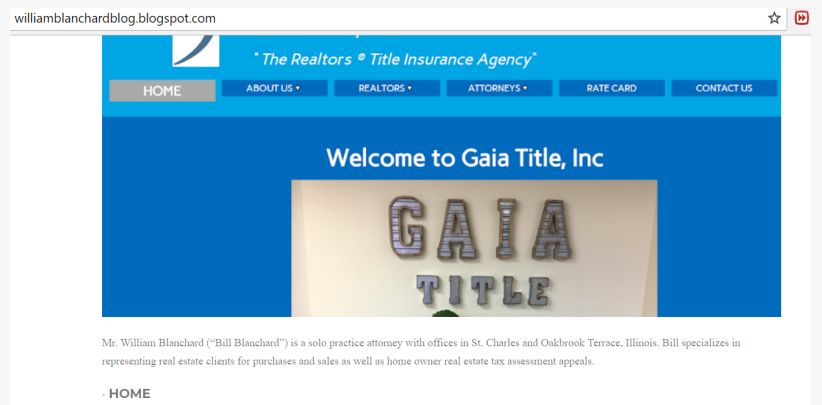
http://www.illinoiscourts.gov/Supreme Court/Policies/Pdf/Safe_Harbor_Policy.pdf. As a final example, the Rock Island County Circuit Court, Clerk's Office, states prominently on its website: "NOTE: WE ARE NOT ATTORNEYS AND CANNOT GIVE LEGAL ADVICE." <http://www.rockislandcounty.org/CircuitClerk/LegalSelfHelp/>.

The Judicial Council of California has addressed this issue in much more detail with a brochure and form called "MC-800, Court Clerk's Office: Signage" that allows court clerks to offer specified assistance to court users. There is an explanatory brochure that goes with it, called "May I help you? Legal Advice vs. Legal Information" (2003 by Judicial Council of California/Administrative Office of the Courts, available online at <http://www.courts.ca.gov/documents/mayihelpeyou.pdf>; form at <https://www.courts.ca.gov/documents/mc800.pdf>)

The brochure issued by the California Judicial Council explains "that The Code of Ethics for the Court Employees of California requires you to 'furnish accurate information as requested in a competent, cooperative, and timely manner' but to avoid 'giving legal advice.' You may already know that you are not supposed to give 'legal advice' to court users. ... As a result, when people ask questions where the line between legal information and legal advice is blurry, you may avoid giving appropriate information about court procedures because you don't want to violate the Code of Ethics. Meanwhile, court users don't get the information they need and may become frustrated; more significantly, if they don't follow the right procedure, they may be denied access to the courts. In an effort to address these concerns, the Judicial Council of California recently approved form MC800, Court Clerks Office: Signage, for display in court clerks' offices throughout the state. The form is designed for posting at the clerk's counter or public window at each court location so that court users can read and understand the guidelines that you are required to follow." (Brochure, page 1).



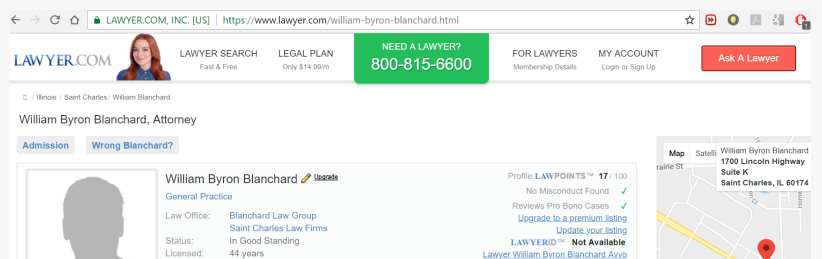
Website of William Blanchard Law



Blog of William B Blanchard at williamblanchardblog.blogspot.com



Attorney Profile of William B Blanchard



William Blanchard, Attorney Listing on www.Lawyer.com

Mr. William Blanchard concludes that while the California signage and brochure clarifies the clerks' duties, it does not help pro se litigants in need of legal help. Also, the California approach does not lessen the burden on the court system. It is unlikely that pro se litigants will read the brochure "May I help you?" before asking a court clerk for help. This issue will continue, possibly forever. Legal self-help centers (as already exist in Illinois in some instances), flexible payment plans offered by attorneys, and allowing paralegal professionals to provide limited representation (as proposed in some other States) may provide relief.

The complete article is available on the Blog of Mr. Blanchard at <https://williamblanchardblog.blogspot.com/>

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