



Legal Information v. Legal Advice

What is the difference?

Legal Information

Legal information is factual statements of what the law is. It is simple, generic and does not address any one particular cause of action or any one person's case.

Legal information allows a person to draw their own conclusions as to the interpretation of the law, allowing persons to decide how best to apply it in their case.

Examples of Legal Information include:

- Reading the legal definition of words. E.g.: Community property actions are civil claims that divide the property obtained during a marriage between divorcing spouses.
- Identifying procedural definitions such as who the people are in court and what steps take place. E.g.: A plaintiff is the party who files the complaint or petition. A defendant is the party against whom a complaint is made. There are three ways to respond to a complaint: file an answer, file a demur, or do nothing.
- Showing persons how to find legislation, court rules, and cases as well as other online and print resources. E.g.: California Forms of Pleading and Practice provides templates to help litigate civil cases. Digests identify cases you can use.
- Directing patrons to online and print resources which contain court forms and instructions. E.g.: The California Judicial Council Forms are a collection of general use legal forms, which includes various pleadings and discovery forms. Form packets are found on the Court's website.

Legal Advice

Legal advice is any written or oral guidance regarding a specific legal matter that impacts the rights and responsibilities of the person who receives it. Legal advice requires knowledge of and careful analysis of the law and specific facts.

Persons not licensed to practice law who give legal advice are participating in the unauthorized practice of law and are subject to penalties under California Business & Professions Code § 6126.

Examples of Legal Advice include:

- Interpreting what statutes and case law mean or how it applies to a specific set of facts. E.g.: When we go over your list of assets, I can explain which would be considered community property and which are separate property.
- Providing procedural recommendations, such as what type of application to make or which level of court to use. E.g.: At the next court appearance, we should ask for a continuance because...
- Providing research of legislation, court rules and cases and applying the law to the facts of a given situation. E.g.: There are a number of cases that would support your claim for damages for personal injuries. They are as follows....
- Filling out forms or telling you to put certain information in a form, listing particular persons in a complaint and/or identifying a specific amount of damages to seek. E.g.: In this section of the form, we will ask for...