

Washington County Law Library

How to Avoid Violating Unauthorized Practice of Law Statutes When Assisting a Patron with a Legal Question

1. Know the *Unauthorized Practice of Law* statutes (ORS 9.160 to 9.166). And, never, ever say "here are the statutes on x" or "here are the forms you need to file with the court."
2. Verify that your patron is using the current statutes or regulations. If not or if you do not know, tell the patron that the laws may not be current. Repeat this often. Tell your patron that the law must always be updated. Cases, statutes, rules, regulations, administrative rulings, constitutions, etc. may all have been updated since their last print publication. Laws may change on a daily basis; for example, a case that changes everything may have been decided yesterday, or even this morning. More to the point, make sure that your reference policy states that every patron in search of legal information is advised to consult an attorney to verify that the information consulted in the library or online is still good law.
3. Refer patrons to state and local court rules. Court procedures, rules of service, and filing fees change on irregular schedules. Current information is not always available online. Filing fees can run into the hundreds of dollars - litigants want to file correctly the first time.
4. Most county law libraries do not have "forms" that litigants can file in court. Corollary: there isn't a prepared legal form for everything. Some forms are available at the County Courthouse for a small fee, some are on the OJD website, some from Stevens-Ness or other office supplier. Sometimes, litigants need to draft their own forms. The Law Library is sometimes able to direct patrons to examples of forms, which the patron will need to redraft, retype, and take to the court or an attorney to see if the form is suitable for filing.
5. More on Forms: THERE IS NO SUCH THING AS A SIMPLE LEGAL FORM. A Power of Attorney may *look* simple. An Advanced Directive may *look* simple. But, you do not know all the facts of the person's situation and you do not want to be privy to confidential information. Whenever asked about a form, "is this all I need?" ALWAYS say, "I *don't* know, I'm not an attorney." DO NOT say, "I *can't* tell you." Non-attorneys hear that as "I know, but I'm not going to tell you." Say, "I DON'T KNOW. I'M NOT YOUR ATTORNEY." After all, you really don't know – right?
6. Be prepared to refer patrons to free or low-cost legal services, such as your county court's family law facilitator, the Oregon State Bar, Legal Aid, St. Andrew Legal Clinic, or other legal or advocacy services (e.g. Elders in Action) in your area. Or, refer the patron to the county law library.

WEB SITES referenced above:

Law Library Web Site: www.co.washington.or.us/lawlibrary

Multnomah County Circuit Court: www.ojd.state.or.us/multnomah

OSB: www.osbar.org Click on Public Legal Information links

Oregon Judicial Department (OJD): <https://portal.courts.oregon.gov>

-- Oregon rules of court: From the OJD web site (above), click on *Rules*

-- Oregon family law: From the OJD web site (above), click on *Programs/Family Law*

Elders in Action: www.eldersaction.org

Oregon Legal Aid Services: www.oregonlawhelp.org/

Stevens-Ness: www.stevensness.com