

What's the difference?

Legal Information	Legal Advice
Answer general questions about the law	Advise how the law will apply to a particular situation
Refer to self-help resources, guides and tools	Research a point of law in-depth
Outline how to do something already decided on	Recommend a particular option or course of action
Help determine if it is a legal problem & what type	Determine the best way to resolve a legal problem
Outline basic processes and procedures	Give an opinion based on a review of facts, case law, legislation
Define common legal terms	Interpret a legal document, case law, legislation
Help understanding forms	Write a legal document (letter, opinion, pleadings, forms,)

Examples

Legal Information	Legal Advice
Can I do a video will in Nova Scotia? See legal requirements of a will . (legalinfo.org)	My will is partly in my handwriting and partly typed, but not witnessed. Is it valid?
Where can I find do-it-yourself divorce forms? See Guide to Filing for Divorce in NS (nsfamilylaw.ca)	Should I petition for divorce or apply for an uncontested divorce?
How do I apply for a peace bond? See Applying for a Peace Bond in Provincial Court (legalinfo.org)	Do you think I will get a peace bond? Is there another route you'd recommend?
Can you help me find information about the rules for applying for an Order for Substituted Service? Civil Procedure Rule 31.10 (courts.ns.ca)	What should I say to the judge so I can get the order I want?
I have a dispute with my landlord. Can you help? Residential Tenancies Dispute resolution options , NS Legal Aid , Dal Legal Aid tenant rights guide , Residential Tenancies and Small Claims decisions	Can you give me a review of case law on the landlord's obligation to deal with bed bugs?
Can I ask to put off my plea if I haven't had legal advice yet? See Going to Provincial Court (legalinfo.org)	Should I plead guilty?
What is a Representative? See Important Terms Adult Capacity (legalinfo.org)	Can you give me the best wording to put in this court form? Cannot give wording, but can point to guides and resources for that particular form and explain general terms

TIP: You can often give meaningful legal information even if the answer to the exact question would be legal advice.

Legal Information

Legal Information is the general big picture. It is impartial.

It helps people:

- understand general laws and legal processes
- understand their legal rights & responsibilities
- know when & where to get more legal help, including legal advice.

Legal Advice

Legal Advice is specific to a person's particular situation. It is partisan.

It helps people:

- understand how the law will apply to their particular situation
- know the best way to act on their legal rights & responsibilities
- know what to expect in dealing with their legal problem.

Legal Information

Legal Advice



General

Specific

How do I...? Can I...?

Should I...?

Only a lawyer...

Nova Scotia Legal Profession Act

"16 (1) The practice of law is the application of legal principles and judgement with regard to the circumstances or objectives of a person that requires the knowledge and skill of a person trained in the law, and includes any of the following conduct on behalf of another:

(a) giving advice or counsel to persons about the persons legal rights or responsibilities or to the legal rights or responsibilities of others;

(b) selecting, drafting or completing legal documents or agreements that affect the legal rights or responsibilities of a person;

(c) representing a person before an adjudicative body including, but not limited to, preparing or filing documents or conducting discovery;

(d) negotiating legal rights or responsibilities on behalf of a person.

(2) No person shall carry on the practice of law in the Province for fee, gain, reward or other direct or indirect compensation, unless the person is....[a lawyer, articled clerk, authorised to practise under Nova Scotia law]."

Legal Info

- gives people legal life skills to take steps to solve their legal problems

Legal Advice

- relies on someone else's legal problem solving skills and expertise

Legal Info

- provides an array of options, resources, a framework

Legal Advice

- is tailored, and tells people what they should do, not what they could do

RED FLAGS




It's probably legal advice.

Do I have a case?	Just tell me hypothetically then
Should I take this to court?	If I read this to you, can you tell me....
What would you do if you were me?	I won't take it as legal advice – I promise
What should I do?	Telling me 'x' is not legal advice
You're a lawyer/law student aren't you?	What decision will the judge make?
What should I tell the judge?	Who should I sue?
What sentence will the judge give me?	Where should I sue?
What are my chances?	Should I sue?
Should I file an action or application?	Should I appeal?
Is it legal for me to...	Can't you just tell me?
Just tell me...I won't hold you to it	But I can't afford a lawyer...
I'm sure you've dealt with this before...what do you think?	What questions should I ask the witness?
What did you say again...I just want to write it on this form	You've been working here a long time
No one is willing to help me	But my trial is tonight!

For Your Information

- Answer, assist, define, educate, empower, explain, generalize, give examples, help, inform, listen, navigate, outline, provide, refer, show, support

How do I...?

Words of Advice

- Apply, act, advise, assess, choose, complete, conduct, direct, draft, interpret, negotiate, opine, particularize, perform, predict, prepare, recommend, represent, research, select, specify, tailor, write

Should I...?

Tip: think about how your answer is going to be perceived or interpreted by the person who asked the question. What are the expectations?

HELPFUL HINTS for giving good legal information

- Use plain language
- Ask questions – sometimes folks don't know the right questions to ask, leave out important information (eg. I have a court order! This happened in BC!), or give lots of details that are not relevant legally
- Think about why the person is asking the question. What will the person do based on what you say? What are the potential consequences?
- Watch out for leading questions – are they asking the question in a particular way so you will give them the answer they want?
- Watch out for hypothetical questions – it usually means there is a real situation and that the person will take your 'hypothetical' answer and apply it to their situation
- Are they asking you for permission to do something that could seriously affect their legal rights and responsibilities, or of others?
- Imagine the other 'side' is listening in – always be fair and impartial in giving information
- Caution is better than over-confidence:
 - If you don't know, say so! It is better to say you don't know than to give wrong information
 - If you aren't sure whether it is legal information or legal advice, assume it is legal advice

It isn't always *what* you say, but *how* you say it

AVOID	USE
You should do 'x, y, z'	You might think about doing 'x, y, z'
You have to...	You could ...
It is definitely...	It is possible that...
That is certainly legal/illegal...	Here are some questions to ask a lawyer...
You are absolutely right..	I understand what you are telling me...
In my opinion...	My opinion does not matter... it is [the judge, police, etc.] who decides
The judge will ...	I can't tell you what the judge will do
I would advise you to...	I can tell you how the law generally works
The best option is...	I can outline some possible options but you have to pick the option that is best for you, or speak with a lawyer for direction
The best lawyer is...	I can't recommend one lawyer over another, but I can tell you how to find a lawyer
The leading case is [...], and in your situation...	You will find case law and research guides online at ...
The remedy you want is...	What is your goal?
I would recommend	Have you considered?
Yes, go ahead and do that...	You are asking me for permission to do something that could have serious consequences...you should get legal advice.