

No, I Can't Give You Legal Advice!

By Zachary Brewer, CP



"So you're a paralegal, huh? Let me ask you a quick question." Not again!! ... here we go. I love my family, and I like my friends; and I love helping my family and friends out. (Well, maybe not all of them, some I just tolerate.) But still, I'm a nice guy, and I like to help when I can. But I hate hearing the opening quote of this article. No matter how many times I tell my family and friends that I can't give legal advice, they will still ask me: "what do I do here ... how do I... is it legal to" ...etc. I just want to reply: "What part of 'I can't give legal advice' do you people not understand?"

Both of my parents, one of my Aunts, multiple neighbors, numerous friends and even a few "friend of a friend" types have uttered those magic words. My response to each was, "I can't give legal advice." Now, that isn't to say I wasn't tempted to respond with something. Sometimes a paralegal may even know exactly what they need to do or the steps to be taken. Even so, as much as I wanted to say something, I couldn't. Even though some of the situations were no-brainers and common sense tells you what a person might need to do, or is able to do; I couldn't give

them an answer because no matter how it was worded, I would be giving legal advice. Still, it is tempting to just blurt it out. You want to just tell them: "You should do x, y, z.", but you know you can't. It is like a second grader on the playground trying to keep a secret.

And that is the point at which paralegals can find themselves in a whole heap of trouble. And more than a few paralegals have found that out the hard way. I have read stories about inexperienced paralegals, and even seasoned paralegals, telling their friends or even clients what they should do. After all, they figured it was only giving them common sense advice, not really legal advice. (Note: I should clarify that this does not involve the fine paralegals I have worked with in Tulsa County to my knowledge. The stories I have come across were from online sources such as LinkedIn and paralegal websites and blogs.) The thing is, when you are a paralegal, giving advice, even common sense advice, is still giving legal advice. You might be asking why that is, and the answer is really quite simple. They are asking you in your role as a paralegal. After all, if they didn't know you were a paralegal,

they wouldn't ask you, right? And that is precisely why you can't give advice. They are asking you as a paralegal, hoping to get legal advice; and paralegals can't give legal advice, ever, period. The only time paralegals can even come close to "giving" legal advice is when a supervising attorney has authorized them to pass on their advice to the client. Even then you must tell the client the advice is coming from the attorney, and not you.

So, the question is: how do you handle these inquiries seeking legal advice. First, the obvious answer: tell them you can't give legal advice. Second, give them information on who they could call for advice, be it an attorney in your firm, another attorney contact, the county bar for a referral or legal aid. That way, you are not giving legal advice, but pointing them in the direction to get the legal advice needed. You still get to feel like you helped, in some way, and you didn't break a key ethical rule, win-win. ... By the way, this advice is in no way intended to be legal advice and should not be taken as such.

**The Bar Center will be
CLOSED
Monday, Sept 2, 2013
Labor Day**

Labor Day, the first Monday in September, is a creation of the labor movement and is dedicated to the social and economic achievements of American workers. It constitutes a yearly national tribute to the contributions workers have made to the strength, prosperity, and well-being of our country.

From www.dol.gov
US Department of Labor