

# Customer Service in Rural Justice Courts

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1



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2

# The Plan



- Customer Service Reminders
- Customer Service vs. Legal Advice
- Interactive Section
  - Questions
  - Scenarios

3

## Customer Service Reminders 1

- People are watching
  - Be careful who and what you are talking about
  - Do not blur the lines with people you know
  - Watch what documents the public can see

4

## Customer Service Reminders 2

- For a lot of people, they will see you on one of their worst days
- They don't know a plea from a petition
- Some people think the odds are not in their favor

5

## Customer Service Reminders 3

### Ethical Considerations with Customer Service:

- Having ex parte communication
  - What is that?
- Being or appearing to be biased or partial
  - Watch out for social media!
- Giving legal advice

6

## Customer Service vs. Legal Advice

7

### Legal Advice = Unauthorized Practice of Law

- Only licensed attorneys and others specifically allowed by the Texas Supreme Court (ex: certain law students, attorneys licensed in another state) may practice law.
- If you are not one of these and you give legal advice, that is considered the unauthorized practice of law.
- This is prohibited by statute and can open you up to liability.

*Government Code Sec. 81.101, 81.102*

8

## Legal Advice

# An oral or written statement that:

- *Interprets* an aspect of the law;
- *Recommends* a specific course of action; or
- Applies the law to a *specific factual circumstance*.

9

## Legal Information

- Legal fact
- Public information that is general and factual
- Court rules, procedures, and administrative practices
- Referrals to law libraries, state statutes, rules, forms, or TJCTC website, info packets
  - Don't forget TJCTC's SRL packets!  
<https://www.tjctc.org/SRL.html>
- Explaining the meaning of terms used in the court process
- Answering questions concerning due dates and deadlines (without calculating specific dates)

10

## Comparing Legal Advice and Legal Information

### Legal Advice

- Recommendations
- Confidential or Restricted Info
- Providing Legal Interpretations
- Opinions
- Researching
- Subjective Referrals

### Legal Information

- Procedural Explanations
- General or Public Information
- Explaining Legal Terms
- Options
- Citing Statutes and Court Rules
- General Referrals

11

## Legal Advice vs. Legal Information Tips

Often, there is a very fine line between legal advice and legal information.

You can't provide advice but can provide information that ends up helping them decide.

Whether you can answer a question or not, and what you can say sometimes comes down to how it is phrased.

12

Providing  
Customer  
Service  
without  
Giving Legal  
Advice

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Just because you can't give legal advice does not mean you can't be helpful and provide good customer service!

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You can still give legal information and refer people to resources. This could include handing out a referral sheet.

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When someone asks you why you can't give legal advice, have a good, prepared answer to tell them.

13

# Interactive!!!

*Legal Advice or Legal  
Info?*

14

## Legal Advice or Legal Info? #1

Responding to: “May I see  
the docket for today’s  
court?”

15

## Legal Advice or Legal Info? #2

Responding to: “Should I sue  
my neighbor?”

16



### Legal Advice or Legal Info? #3

Saying: “Seems like you will win  
[or lose]!”

17

### Legal Advice or Legal Info? #4

Saying: “A writ of possession  
is...”

18

## Legal Advice or Legal Info? #5

Responding to: “How do I stop this?”

19

## Scenarios/Goldilocks Game!

- Give response that leaves people feeling unheard and not helped.
- Give response that gives legal advice
- Give Goldilocks Answer (that is just right)
  - Helpful
  - Gives legal information
  - Does not include legal advice
- *Nominate someone at your table to share your answers!*

20



## Scenario #1

Stephen King had a 1958 Plymouth Fury in his car collection named Christine. Mr. Patterson apparently drank too much at a party at Mr. King's house and absconded by driving away in Christine. Mr. King brought a small claims case against Mr. Patterson in your county. Mr. King won the case and was awarded possession of the car named Christine.

- What if Mr. Patterson asks how he appeals, what do you say?
- While he is trying to appeal, Mr. Patterson states the car was a gift and that Mr. King gave him the keys with some crazy story about the car being possessed. You should tell him what?
- What if he asks how long the appeal process takes?

21



## Scenario #2

Romy White filed a small claims case against Michele Weinberger for property damage. Romy calls you with some questions about the case she just filed.

First, she wants to know if Michelle has been served yet.

- What do you tell her about the status of service?
- Then, she says she has heard of something called a default judgment. She asks what that is and how she can get one. What is your response?
- What if she asks when you (or your judge) will be on vacation because she wants another judge to hear the case. Can you tell her about your (or your judge's) scheduled vacation coming up?

22



## Scenario #3

Rocket Prestige Inc. debt collectors file a debt claim against Jimmy Carr. After Mr. Carr is served, he comes to your court and asks, “what is my deadline to file an answer to this suit?”

- Can you tell him?
- What if he asks what is the statute of limitations on debt claims?
- What do you say if Mr. Carr asks what he should say in court?

23



## Scenario #4

You see your neighbor, Pat Sajak, in the grocery store. He comes over to you and says he got a ticket for having an expired driver’s license and asks what he should do.

- What can you tell him?

24



## Scenario #5

A landlord, Jordan Peele, just lost his eviction case against his former friend, Keegan-Michael Key. He failed to give a proper Notice to Vacate before filing the eviction. He says he just wants Mr. Key to get out. He asks you what a Notice to Vacate is and how to properly deliver it.

- What do you tell him?
- What if he asks if he should make a settlement agreement with Mr. Key?
- He then asks if he can change the locks on instead of filing a new case?

25

What  
Questions  
Do *You* Get?

What questions do you get asked that you are unsure of how (or if) to answer?

What is the weirdest thing you've ever been asked? How did you respond?

26

## Resources

- TJCTC Website - <https://www.tjctc.org/>
  - *Legal Information vs. Legal Advice* guidelines (created by OCA) – also in your materials.
  - Deskbooks, forms, legal question board, etc.
  - SRL (self-represented litigant) page for the public.

27

Thank You!

28