



# What is Legal Information?

---

A Guide to Using the Illinois Supreme Court Policy on Assistance to Court Users by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers



# Legal Information and Advice: Why Does It Matter?

Court staff, court volunteers, law librarians, self-help center navigators, and circuit clerks (collectively "court personnel") play an important role in the operation of our state court system. Together, you share an enormous responsibility -- making fair, equal, and efficient justice available to all. Not only are you essential to the operation of the court system, but you also play a key role in helping the public access, understand, and use the courts. You frequently interact with the public and have the power to shape the public's perception of the legal system. By your actions, you can demonstrate that the courts operate in a fair and impartial manner and that they exist for everyone regardless of income, gender, race, disability status, nationality, language proficiency, or legal status.

As an employee or volunteer of the court or the circuit clerk, you serve as the public face of the court system. For many court users, you may be the primary person they interact with during their court case. You can help build confidence in the court system by treating them in a fair, neutral, unbiased, and helpful manner. When a court user feels they have been heard and treated fairly, they will have more trust and confidence in the courts, regardless the outcome of their case.

You have a difficult, but important and rewarding, job to perform. You will be asked many different questions, sometimes by challenging court users. You must maintain a careful balance between answering questions in a respectful and courteous manner while remaining impartial and neutral. Your job allows you to empower and educate, but not to represent or advise.

Keep this guide available as a reference in conjunction with the Illinois Supreme Court Policy on Assistance to Court Users by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers (also called the "Safe Harbor Policy")<sup>1</sup> amended in January 2024 in case you are unsure how to answer a question or need more information about a possible referral. If you are ever unsure about how to respond, please consult your supervisor to determine the best course of action. You can always reach out to the Access to Justice Division of the Administrative Office of the Illinois Courts at [AccesstoJustice@illinoiscourts.gov](mailto:AccesstoJustice@illinoiscourts.gov) for additional training on this topic. Thank you for all that you do in the service of our state and its court system.

## About This Guide<sup>2</sup>

This guide is intended as a supplement to the Safe Harbor Policy. It explains, in detail, what services are permitted and prohibited under the policy. This guide shows the breadth of services and resources that fall under the umbrella term of "legal information." In many situations, court personnel are eager to assist court users, but are worried about overreaching and mistakenly giving legal advice. This guide is intended to provide additional clarification about what information, services, and resources court personnel can and should feel comfortable sharing without violating ethical rules or crossing the line into legal advice.

---

<sup>1</sup> The full text of the Policy is on the Illinois Supreme Court website at [illinoiscourts.gov/public/training-material-and-educational-programs#tab\\_pages-appearance](https://illinoiscourts.gov/public/training-material-and-educational-programs#tab_pages-appearance).

<sup>2</sup> This guide was modeled after, with permission, "What Can I Do to Help You," Maryland Access to Justice Commission, Maryland Judiciary, 2010 (<http://www.mdcourts.gov/mdatjc/pdfs/manual.pdf>). The Illinois Supreme Court Commission on Access to Justice (ATJ Commission) thanks the following individuals for their efforts in creating the original guide in 2017: Cindy Braden, Circuit Clerk of Moultrie County; Halle Cox, Director of the Kane County Law Library & Self Help Legal Center; Kahalah Clay, Circuit Clerk of St. Clair County; Maureen Josh, Circuit Clerk of DeKalb County; Gina Noe, Circuit Clerk of Marshall County; Kelly Smeltzer, General Counsel for the Cook County Circuit Clerk; Tammy Weikert, Circuit Clerk of Rock Island County; Samira Nazem, Administrative Office of the Illinois Courts, Self-Represented Litigant Services Specialist; and Members of the Illinois Supreme Court Access to Justice Commission's Court Guidance and Training Committee: Chief Judge Michael Sullivan of the 22<sup>nd</sup> Judicial Circuit, David Holtermann of the Lawyers Trust Fund of Illinois, and Joe Dailing. Lastly, the Commission would like to thank the staff of the Administrative Office of Illinois Courts Access to Justice Division: Jill Roberts, Sophia Akbar, Danielle Hirsch, and Alison Spanner, as well as Halle Cox, Self-Represented Litigant Coordinator for working on updates in 2018.

# Legal Information & Legal Advice: What's the Difference?

## Legal Information

- The RULES of the game
- General factual information about the law or legal process intended to help a court user navigate the court system

- **Legal information is neutral**

Information should not advance one party's legal position over another party's position.

- **Legal information is universal**

Information should be the same regardless of which party is asking for it.

- **Legal information is objective**

Information does not require knowledge about specific details of the case.

- **Legal information is unrestricted**

Information can come from anyone, not just licensed lawyers.

## Legal Advice

- The STRATEGY of how to win the game
- Guidance regarding a court user's legal rights and obligations in light of their unique facts and circumstances

- **Legal advice is biased**

Advice is tailored to advance one party's legal position over another party's position.

- **Legal advice is customized**

Advice will vary depending on who is asking for it and the desired outcome.

- **Legal advice is subjective**

Advice will change depending on the specific facts of the case.

- **Legal advice is restricted**

Advice should only come from licensed lawyers, acting as a lawyer (even if court or clerk staff is a licensed lawyer, they are limited to only providing information because their role is staff).

# Legal Information Is...

## Explaining Court Procedures and Giving Procedural Information

Many court users are unfamiliar with the legal system and have questions about filing and responding to lawsuits. You can help move their cases forward by explaining basic court procedure and giving them the information they need to make informed decisions.

### "What Should I Do Next?"

You probably hear this question many times every day. During every interaction, try to provide enough information for the court user to understand the next step in the process and their available options. If you hear certain questions repeatedly, consider creating a handout, brochure, or sign to address them (contact the AOIC for examples).

### Give Options, Not Advice



Some court users will expect you to act as a lawyer, giving them clear instructions as to what to do next. They may be confused, scared, overwhelmed, or emotional and want someone to reassure them that they are making the right decision. *Your role is not to help make decisions or offer reassurances. Your role is to share information that helps court users make their own decisions.* You can empower court users to make informed decisions simply by explaining which options are available and how they can learn more. Remember, when answering a question or explaining a process with multiple options, you should try to explain *all* the available options or where to find more information on them, so as not to steer the court user to choose a particular one.

### **Should versus Could: Responding when asked for legal advice**

Many court users ask for legal advice (“What should I do?”) and not legal information (“What can I do?”). You can still respond by providing legal information, instead of advice.

**Example:** How should I serve the other side?

**Answer:** I can’t tell you what you should do, but I can tell you what options are available. There are three approved methods of service. You could pick any of them to serve the other party. [If the user needs more information, you can share another resource such as a standardized form, self-help center, or website]

<b>I Can...</b> 	<b>I Cannot...</b> 
Tell a court user what they can do	Tell a court user what they should do
Explain a process to a court user	Make a prediction for a court user
Share all available options	Suggest one particular option
Give a court user information that may help them make an informed decision	Make a decision on behalf of a court user
Provide forms and basic instructions	Fill out forms (except for specific exceptions)
Refer to bar associations and legal aid	Refer to individual private lawyer for fees

## Remaining Neutral and Impartial

Even if you think you know what a court user should do, it is not appropriate for you to tell them. First, you must remain neutral and impartial in the case and cannot offer advice that would unfairly advantage one side over the other. Second, you may not have all the information needed to make the best decision for a court user. If you follow the Safe Harbor Policy and this guide, you will be able to assist court users without engaging in the unauthorized practice of law.

## Helping Court Users Who Need Legal Advice

Some questions go beyond basic court rules and procedural information. When responding, you can direct the court user to another resource where they can get the legal assistance needed. This may involve referring the court user to court rules, statutes, and regulations that govern the case (see page 14) or to a legal aid agency, bar association, or another legal service provider (see page 11-12).

### Use Your Toolbox



- Frequently Asked Questions and Tip Sheets (varies by county)
- Procedural Guides and Self-Help Packets (varies by county)
- Courthouse Signs (varies by county)
- Referral Sheets (varies by county, already exist for Illinois JusticeCorps sites)
- IL Supreme Court Forms and Instructions (see page 10)
- ATJ Commission and the Administrative Office of the Illinois Courts (AOIC) Access to Justice Division. For templates, resources, and training sessions, contact us at [AccessToJustice@illinoiscourts.gov](mailto:AccessToJustice@illinoiscourts.gov).

Helpful materials can be found at [ilcourts.info/allATJ](http://ilcourts.info/allATJ) or:

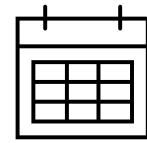


### Safe Harbor Policy

The policy allows court personnel to provide legal information about court rules, court terminology, and court procedure (c)(1). The policy prohibits court personnel from giving legal analysis, strategy, research (other than self-guided research assistance), or advice to court users (h)(5).

## Legal Information Is...

### Answering Questions about Court Dates



Most cases involve court dates and deadlines. Some of these dates may be set by statute or local rule, while others are set at the discretion of the court or scheduled by the parties. This information is usually public, but it is not always easy to find.

#### Understanding Court Dates and Deadlines

You can let court users know about existing court dates and deadlines. If your county has an online docket, you can show court users how to use it to check upcoming court dates. You can answer questions about due dates, but only if they are clear from a court document, local rule, or statute (e.g. Notices of Appeal must be filed within 30 days of the judgment or order). You can also give a court user relevant information (e.g., upcoming court holidays). You should not refuse documents because you think they are late, a judge will determine if a filing is timely.

#### Statutes of Limitations

Rules governing the statutes of limitations are very complicated and may require more knowledge about a case than you have available. You should not attempt to explain the laws and rules governing the statute of limitations. Instead, you can tell a court user that there *may* be a statute of limitations and direct them to a legal resource where they can determine for themselves what it is.

#### Scheduling Court Dates

Some court users need help scheduling a new court date or changing a previously scheduled one. You can explain what the process is for scheduling or changing a court date at your courthouse. If the court user is seeking to change an existing court date, you can let them know that the request may need to be approved by a judge and is not guaranteed. When scheduling new court dates, you can also share information about a judge's court schedule.



#### Use Your Toolbox

- Online Docket (if available)
- Illinois Legal Aid Online ([illinoislegalaid.org/](http://illinoislegalaid.org/))
- Illinois Compiled Statutes ([ilga.gov/legislation/ilcs/ilcs.asp](http://ilga.gov/legislation/ilcs/ilcs.asp))



#### Safe Harbor Policy

The policy allows court personnel to provide requirements for scheduling hearings (c)(1) and docket information (c)(12).

# Legal Information Is...

## Helping Limited English Proficient (LEP) Court Users

“Limited English Proficient (LEP) person” means someone who speaks a language other than English as their primary language and has a limited ability to read, write, speak, or understand English, as defined in the [Illinois Supreme Court Language Access Policy](#).

### Did You Know?

Over one million Illinois residents are limited English proficient (LEP), representing 23% of the state. Illinois also has over 380,000 deaf or hard of hearing residents, representing 3% of the adult population.

Many Illinois residents need language assistance when interacting with the courts. If you encounter an LEP litigant, you can tell that person that they are entitled to an interpreter for all court proceedings, both civil and criminal. You can also use a bilingual staff member or a telephonic interpretation service to communicate directly with the litigant in the courthouse.

## Language Access Plans

The Illinois Supreme Court has adopted a statewide Language Access Policy, and each judicial circuit has its own local plan (see [illinoiscourts.gov/public/find-a-language-interpreter](http://illinoiscourts.gov/public/find-a-language-interpreter)). Become familiar with your local language access plan and understand how to respond when a litigant needs assistance in a language other than English. The AOIC has created two bench cards, one for judges and one for court personnel, to serve as a quick reference for services, statutes, and policies.

## In-Person and Remote Interpreting Services

The AOIC maintains a registry of interpreters who have demonstrated proficiency in both interpreting skills and language fluency. You can use the registry to contact interpreters directly. The AOIC offers some reimbursement for the use of interpreters from the registry. Additionally, there are currently two companies that offer interpreters from the registry that are directly billed to the AOIC: Interpretet and inLingo. For outside of court conversations, like in the clerk’s office or law library, you may consider using bilingual staff, online services like Google Translate, or LanguageLine, a phone service which can connect you with interpreters remotely (that cost is not reimbursable).



### Use Your Toolbox

- Interpreter Registry ([publicapps.illinoiscourts.gov/](http://publicapps.illinoiscourts.gov/))
- “I Speak” cards ([bit.ly/48u6ttJ](http://bit.ly/48u6ttJ))
- AOIC resources including bench cards, multilingual signs, and translated forms ([illinoiscourts.gov/public/find-a-language-interpreter](http://illinoiscourts.gov/public/find-a-language-interpreter))



### Safe Harbor Policy

The policy allows court personnel to assist court users with requesting a foreign or sign language interpreter (c)(2). The policy also allows court personnel to provide court forms, including translated ones, to court users & assist with the forms (c)(11) & (12).



### ILLINOIS JUDICIAL BRANCH Court Personnel Information Card: Limited English Proficient Individuals

Updated 10/20

#### How Do I Determine Whether a Person should have an Interpreter Appointed?

According to the Illinois Supreme Court Language Access Policy (effective Oct. 1, 2014), the court should provide an interpreter for any Limited English Proficient (LEP) Person who is involved in a legal proceeding as a party or witness. “LEP Person” means someone who speaks a language other than English as his or her primary language and has a limited ability to read, write, speak or understand English and requires the assistance of a foreign language interpreter or sign language interpreter to effectively communicate in a legal proceeding. “Legal proceeding” means any court proceeding (civil or criminal) and any mandatory court-annexed proceeding, such as court-annexed mediation or mandatory arbitration under Illinois Supreme Court Rules.

#### Four Steps for Securing Language Assistance:

(3) When appropriate, remote interpreting services should be utilized, especially by companies that focus

##### Step 1: Determining Language

If you need to determine the language individual, you may refer to the Lang. Flashcard or “I speak” card developed at <http://www.lep.gov/SpeakCards>. Individual can check or point to the I which language he or she speaks. Once been identified, a court interpreter can necessary.

##### Step 2: Communicating with

outside of a legal process. If you need to communicate with an individual’s court or elsewhere in the courtroom, the following options are to help facilitate communication:

(1) Bilingual staff in the courtroom.

##### Sample Interpreter Qualification Questions:

- Are you certified? If you are not certified, are you on the AOIC Interpreter Registry?
- What is your experience interpreting in court? Have you completed any training to qualify you as an interpreter?
- Do you understand that as an interpreter you must interpret everything, and that you may not summarize the testimony or other proceedings?
- Do you have any experience in simultaneous interpreting? Do you have any experience in consecutive interpreting?
- Is your dialect compatible with the litigant?
- Are there any cultural or community concerns between you and the litigant that the court should be aware of?
- Have you ever interpreted for any of the people involved in this case?
- Are you able to remain fair and impartial?

##### Reimbursement for interpreter costs from AOIC:

If your court or any entity in your county uses an interpreter listed on the AOIC Interpreter Registry, you can submit a reimbursement claim for either full or partial reimbursement. Please fill out a reimbursement voucher form, available through the Office of the Chief Judge, or by email to [AccessToJustice@illinoiscourts.gov](mailto:AccessToJustice@illinoiscourts.gov).

• Full reimbursement is available for the use of certified and qualified interpreters listed on the AOIC Registry, and for certified interpreters in other states. “Certified” means that they have passed the National Center for State Courts written and oral certification exams. “Qualified” means they have passed the National Center for State Courts written exam and an oral proficiency interview.

• Full reimbursement is also available for the use of sign language interpreters listed on the AOIC Registry, and for RID certified sign language interpreters in other states.



# Accommodating Court Users with Disabilities or Special Needs

### Did You Know?

The most recent U.S. Census Bureau reports over 42 million Americans live with disabilities. Nearly 3 million Illinois residents have a disability.

Many court users need help accessing the courts because of disabilities. You can help them request a “reasonable accommodation” and connect them with the local Court Disability Coordinator. The Illinois Attorney General’s Office maintains a manual about disability access and the courts: [bit.ly/48xiyOL](http://bit.ly/48xiyOL)

## Understanding the ADA

The Americans with Disabilities Act (ADA) applies to any individual who has a “physical or mental impairment that substantially limits one or more major life activities.” The ADA applies to *all* court users, including witnesses and court observers, and not just to litigants. Under the ADA, a court user can ask for a “reasonable accommodation,” a modification of court rules or procedures, to help them fully access the court. Some examples include:

- Allowing phone or video appearances for a litigant who cannot travel due to a disability
- Scheduling a court date around a litigant’s medical appointments
- Requesting a sign language interpreter for a deaf witness
- Reading a document out loud for a court user with a visual impairment
- Permitting food and beverage in the courthouse for medical reasons

### “Do You Need Assistance Because of a Disability?”

Some disabilities are “invisible” and not immediately apparent. Some court users with “visible” disabilities may not need an accommodation. Do not make assumptions about a court user’s disability or the level of assistance required. Instead, use the question above – “Do you need assistance because of a disability?” – to ask, in a neutral way, if a court user would like additional assistance.

## Forms Assistance

If a court user has a disability that affects their writing, you can assist with filling out forms. You should write exactly what the court user says without any changes. You may want to ask another staff person to act as a “witness” or have the court user complete a disclaimer stating that you are simply writing their words. This can protect you if there is any dispute about your role.

## Use Your Toolbox



- Local Court Disability Coordinator (every court has one and you should be familiar with them and the process for requesting accommodations)
- Illinois Supreme Court Policy on Access for Persons with Disabilities [illinoiscourts.gov/courts/supreme-court/access-for-people-with-disabilities/](http://illinoiscourts.gov/courts/supreme-court/access-for-people-with-disabilities/)
- IL Lawyer General’s Office – Disability Rights Bureau, Technical Assistance: Chicago 312-815-5684; Springfield 217-524-2660



## Safe Harbor Policy

The policy provides for informing users of the process for requesting a reasonable accommodation (c)(3). The policy echoes the ADA requirement that court personnel help complete forms if they are unable to do so because of a disability (c)(12) and to assist with requesting sign language interpreters (c)(2).



## Legal Information Is...

### Informing Court Users about Court Fees/Assessments and Waivers

In most civil cases, court users must pay a fee before filing a new case or responding to an existing one. Filing fees can vary by county and case type, and often change from year to year. Make sure you have current fee information available. In criminal cases, defendants are ordered to pay fees (called assessments) at sentencing.

#### Waiver Statutes

For civil cases, court users can apply for a waiver of court fees pursuant to [735 ILCS 5/5105](#). In criminal cases, defendants can apply for waiver of assessments pursuant to [725 ILCS 5/124A-20](#). They submit an application, then the application is then reviewed by a judge who determines whether the applicant meets the financial criteria set forth in the statute. The waiver statutes also require that circuit clerks post signs advising court users that they can apply for a fee waiver in English and Spanish. The AOIC has created signs for court personnel to use.

**Can't Afford Your Court Fees?**  
*¿No puede pagar las cuotas de la corte?*

If you cannot pay your civil fees or criminal assessments you may ask the judge to waive all or a portion of them.

*Si no puede pagar las cuotas de la corte civil o "assessments" de la corte criminal, puede pedirle al juez que renuncie a todas o una parte de ellas.*

The applications\* and instructions are available from the clerk of court and online.  
*Las solicitudes\* y las instrucciones están disponibles del "clerk" de la corte y en la página de web.*

[illinoiscourts.gov/documents-and-forms/approved-forms/](http://illinoiscourts.gov/documents-and-forms/approved-forms/)

\*NOTE: There are two different applications, one for civil cases and one for criminal cases. Make sure to ask for the correct form for your type of case.  
\*NOTA: Hay dos solicitudes diferentes, una para casos civiles y otra para casos criminales. Asegúrese de pedir el formulario correcto para su tipo de caso.

ACCESS TO JUSTICE  
SECURE (print) (en español)

This notice complies with the requirements of 735 ILCS 5/124A-20 & 735 ILCS 5/5-105

APR 2010 01/22

#### Did You Know?

Over one quarter of Illinois families are living below or near the Federal Poverty Level (FPL). Fee waivers can make the courts accessible for families and individuals who might otherwise have to choose between paying their bills and exercising their legal rights and remedies.

#### Waiver Standardized Forms and Instructions

The Illinois Supreme Court waiver forms are required for use in every county. The form is at [ilcourts.info/forms](http://ilcourts.info/forms) and will be translated into six languages (Spanish, Polish, Arabic, Korean, Mandarin Chinese, and Russian).



#### Use Your Toolbox

- AOIC Fee Waiver Sign [ilcourts.info/allATJ](http://ilcourts.info/allATJ)
- Judicial Bench Card and FPL chart for judges [ilcourts.info/allATJ](http://ilcourts.info/allATJ)
- Illinois Supreme Court Forms and Instructions [ilcourts.info/forms](http://ilcourts.info/forms)
  - ILAO Guided Interviews & Translated Forms [illinoislegalaid.org/](http://illinoislegalaid.org/)

#### When Are Court Fees Waived?

Court personnel are not responsible for deciding who can and should have their court fees waived. If someone asks about fees, comments about the rate, or requests a waiver application, you must give them the information and form regardless of whether or not you think they are eligible or whether you want to receive the fee. Be careful not to make assumptions about a court user's ability to pay as it is ultimately the judge's responsibility to make that determination. When reviewing fee waiver applications, judges will look at several factors including annual household income, eligibility for means-based public benefit programs, and other factors that could demonstrate financial hardship. They can be granted in full 100% waiver, or in-part 75%, 50%, or 25% of the fees waived.



#### Safe Harbor Policy

The policy permits court personnel to provide information about and forms for requesting a fee waiver due to inability to pay (c)(4).

## Providing assistance with Electronic Filing (e-filing)

E-filing has changed how court users interact with the court system. Some court users e-file from outside of the court building, but many others are calling in or coming to the courthouse and require guidance to be able to successfully e-file.

### What information can court personnel provide?

All of the instructions needed to walk someone through e-filing is allowable legal information that can be provided to court users including, but not limited to: where to find and select an Electronic Filing Service Provider (EFSP); how to register for an EFSP account and set up an email address; how to sign into the EFSP or how to reset an account; how to file into a case including information about: searching for an existing case by case number or party; creating a payment account; selecting locations, case category, and case type; entering party information; uploading documents to file in the correct format and size; selecting filing codes and differentiating between lead documents and attachments; how a paper or electronic document can be converted to the required file type (PDF) through equipment available within the courthouse; and why a filing was rejected.

### What if someone can't e-file?

[Illinois Supreme Court Rule 9](#) governs the mandatory nature of e-filing, but also lists exemptions from e-filing. Self-represented litigants are automatically exempt from e-filing if they are incarcerated in a local jail or correctional facility or have a disability that prevents them from e-filing. Wills and anything filed under the Juvenile Court Act are also automatically exempted from e-filing. Automatic exemptions do not require any additional paperwork.

Self-represented litigants are exempt from e-filing for good cause if they turn in a Certification for Exemption from E-filing form stating that they:

- Don't have a computer or internet in their home;
- Have difficulty reading or writing in English;
- Are filing a sensitive pleading like an Order of Protection; OR
- Tried to e-file, but was unable to complete the process because the equipment or assistance needed was not available

You are able to inform court users of the existence of the exemption and the process for getting an exemption. Remember, the Certification does not require approval, if the form is presented to the circuit clerk's office along with paper documents, everything should be accepted.

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT COUNTY	CERTIFICATION FOR EXEMPTION FROM E-FILING	For Court Use Only
<b>Instructions</b> Directly above, enter the name of the county where the case was filed. Enter the name of the person who started the lawsuit as Plaintiff/Petitioner. Enter the name of the person being sued as Defendant/Respondent. Enter the Case Number given by the Circuit Clerk or leave this blank if you do not have one.	Plaintiff / Petitioner (First, middle, last name)  v.  Defendant / Respondent (First, middle, last name)	Case Number
<b>To I, check the reasons you are asking to file by mail, in person, or by other means. You should check all that apply.</b> You are exempt from e-filing and you do not need to file this Certification if: • you are in jail or prison; • you are filing a will; • you are filing case a juvenile case; OR • your disability prevents you from e-filing.	<b>1. I am not able to e-file documents in this case for the following reasons (check all that apply):</b> <input type="checkbox"/> I am representing myself and do not have the Internet or a computer in my home. My only access is through a public terminal at a courthouse, library, or other location. This poses a financial or other hardship. <input type="checkbox"/> I am representing myself and have trouble reading, writing, or speaking in English. <input type="checkbox"/> I am filing a document in a sensitive case, such as a petition for an order of protection or a civil no contact/stalking order. <input type="checkbox"/> I tried to e-file my documents, but I was unable to complete the process because the equipment or assistance I need is not available.	
<small>Under the Code of Civil Procedure, 235 ILCS 5/1-102, making a statement on this form that you know to be false is perjury, a Class 1 Felony.</small> After you finish this:	<b>2. Illinois Supreme Court Rule 9(c)(5) allows for an exemption from e-filing for good cause. For the above reasons, I need a good cause exemption from e-filing for my entire case or until I am able to e-file.</b> <b>I certify that everything in the Certification for Exemption from E-filing is true and correct. I understand that making a false statement on this form is perjury and has penalties by law under 235 ILCS 5/1-102.</b>	
	Your Signature _____	Street Address _____



### Use Your Toolbox

- Statewide e-filing guides in English and Spanish as well as some videos can be found at: [illinoiscourts.gov/self-help/how-to-e-file/](http://illinoiscourts.gov/self-help/how-to-e-file/)



### Safe Harbor Policy

The policy lists the type of e-filing information that may be provided (c)(5) and permits providing information about the e-filing exemption and process for getting it (c)(6).

## Legal Information Is...

### Providing Forms and Instructions



One of the most common requests from court users is for court forms. Directing court users to the appropriate form and providing the information needed to complete and file it can enable them to effectively use the court system to resolve a legal problem.

The forms are in the process of being redesigned. As the redesign is being rolled out, you will see two different types of designs for a couple of years. Circuit clerks should not reject the older statewide form design since litigants and lawyers are able to use any forms they want (with a few exceptions).

### How Much Help is Too Much Help?

Some court users need help selecting the correct form and filling it out. They may ask you to choose the form for them or to review the form before it is filed. You should be careful not to cross the line into legal advice. You can explain the function and purpose of different forms and can identify which form they need based on their description of their situation. You can also review a form for completeness, but should not check the accuracy of the answers.

You can answer basic information about the terms used on a form or the type of information requested, but should not help a court user answer the questions. You should not second-guess a court user's choice of form when they are filing it, even if you believe it to be the wrong one, but you can let them know the other options. You should file all forms exactly as they are given to you without modification (although you can tell a court user if it is incomplete). A judge will make the ultimate decision about the forms' accuracy.

#### Did You Know?

Every Illinois Supreme Court form is written in plain language by a group of clerks, court staff, private lawyers, judges, and legal aid lawyers and goes through user testing and public comment before publication. The forms also come with detailed instructions and frequently asked questions. Forms are reviewed annually, but suggestions can always be submitted. Forms are available at: [ilcourts.info/forms](http://ilcourts.info/forms)

### Assisting Low Literacy Court Users

Court users with limited literacy may struggle to complete forms. You can assist by reading the form to the court user, answering basic questions about the terms used, and writing their answers word-for-word. However, you should not interpret or summarize the document or help the user come up with answers. For information on assisting court users with disabilities, see page 7.

#### Use Your Toolbox



- Illinois Supreme Court Forms and Instructions [ilcourts.info/forms](http://ilcourts.info/forms) (Some forms in English, Polish, Spanish, Korean, Arabic, Russian, & Chinese)
- Illinois Legal Aid Online Automated Interviews (like TurboTax for court forms) [illinoislegalaid.org/](http://illinoislegalaid.org/)

#### Safe Harbor Policy



The policy permits court personnel to assist court users in accessing forms and related instructions and to answer basic questions about the forms (c)(11). The policy also permits court personnel to review forms for completeness (c)(13) and assist court users with low literacy or a disability with reading and completing court forms (c)(12).

## Legal Information is...

### Giving Lawyer Referral Information

National surveys show that most self-represented litigants wish they had a lawyer; they simply cannot afford or find one. Connecting litigants with bar associations and legal aid or *pro bono* lawyers, is one way you can help court users get the legal help they need.

### Understanding Different Legal Services

Not all lawyers are alike, and to make the best possible referrals, you should understand the different types of lawyers and legal service organizations that are available to assist low-income litigants.

- **Lawyer Referral Services:** These services, often organized by local or state bar associations, can connect a court user with a local lawyer who will offer an initial consultation for a small fee. The litigant can then decide if they want to hire the lawyer for a fee.
- **Legal Aid Agencies:** These are non-profit agencies that offer free or low-cost legal services to low-income people. Each agency has different eligibility criteria, especially around case type and income level.
- **Free Legal Answers:** Illinois Free Legal Answers can help people with civil cases at the trial or appellate levels, [il.freelegalanswers.org/](http://il.freelegalanswers.org/). Users can submit up to three legal questions by email and receive a response from a lawyer within one week.
- **Hotlines and Help Desks:** These resources offer brief legal assistance, either over the phone or in-person. Most are restricted to certain case types and may only operate during certain hours of the day or days of the week. These services are free, and do not usually include representation in court. *For example:* Illinois Armed Forces Legal Aid Network (IL-AFLAN) statewide veteran's hotline 1-855-452-3526.
- **Pro Bono Services:** These services are provided by private practice lawyers at no cost to low-income litigants. Many *pro bono* lawyers represent clients through court-based *pro bono* programs, legal aid agencies, or bar associations. Some *pro bono* lawyers host clinics or walk-in hours at their local courthouses.
- **Mediation Programs:** These programs connect litigants with impartial mediators (who may also be lawyers) to help resolve disputes voluntarily outside of court. Some mediation programs offer free services to low-income litigants.

#### Did You Know?

Every county in Illinois is served by one of the following LSC funded legal aid organizations that provide free legal services:

- ❖ LAF (Cook County)  
[lafchicago.org/](http://lafchicago.org/)
- ❖ Prairie State Legal Services (Northern Illinois)  
[pslegal.org/](http://pslegal.org/)
- ❖ Land of Lincoln Legal Assistance Foundation (Southern Illinois)  
[lollaf.org/](http://lollaf.org/)

Many services have restrictions based on case type, income, or other criteria. When making referrals, do not make assumptions about someone's income level or circumstances, but do make them aware of any eligibility criteria.



### Use Your Toolbox

- Local Bar Associations (varies by county)
- Local Legal Aid and Pro Bono Organizations (varies by county)
- Illinois State Bar Lawyer Finder ([illinoislawyerfinder.com/](http://illinoislawyerfinder.com/))
- Resource and Referral List (template available from the AOIC)

## Limited Scope Representation

For litigants who have some money, but not enough to hire a lawyer for an entire case, limited scope representation may be a good option. [Illinois Supreme Court Rule 13](#) allows lawyers to file a "Limited Scope Appearance" to represent a litigant for a certain court date or discrete portion of a case. Lawyers can also offer limited scope services like document preparation and coaching outside of court. This is generally cheaper than hiring a lawyer for the entire case. Every litigant can ask lawyers if they will handle cases on a limited scope basis.



## Safe Harbor Policy

The policy prohibits court personnel from referring court users to specific lawyers or law firms who offer fee-based services (h)(2). The policy allows court personnel to make general referrals to lawyer referral services, legal aid agencies, *pro bono* lawyers, limited scope legal services, law and public libraries, and web-based resources, as well as for different kinds of non-legal resources, including domestic violence services (c)(14).

## Legal Information Is...

### Providing Referrals to Legal Resources/Community Organizations

There are many legal resources available in Illinois beyond just lawyers, although they vary greatly from county to county. Some of these resources exist inside the courthouse (court-based legal resources) while others may require the court user to travel outside the courthouse or to visit a website (community-based legal resources). You may not have all the following resources in your county, but you likely have several of them. Take a few minutes to familiarize yourself with the services available in your courthouse and community so you can best assist court users.

## Illinois Court Help

Illinois Court Help is a statewide program run by the Court that anyone can contact with questions about their court case and receive legal information. People can call or text 833-411-1121 or fill out a web form at [ilcourthelp.gov](http://ilcourthelp.gov).



Court-Based Legal Resources	Community-Based Legal Resources
Legal Self-Help Center	Illinois Legal Aid Online
Law Library	Public Library
JusticeCorps	Bar Association
Mediation (Pro Bono)	Mediation (Fee-Based)
Legal Help Desk	Legal Aid Providers
Pro Bono Hours	Pro Bono Attorneys
Self-Help Resources	Self-Help Resources

## Making Good Referrals

A bad referral can be worse than no referral as it may waste time or set unrealistic expectations. To make a good referral, you should know the types of information and services available, any eligibility criteria, and contact information including hours of operation. Remember to check your referral list periodically to make sure your information is up-to-date.

## Illinois Legal Aid Online (ILAO)

One helpful statewide resource is Illinois Legal Aid Online ([illinoislegalaid.org/](http://illinoislegalaid.org/)). ILAO offers web-based legal information and forms in several areas of law including family, housing, consumer, immigration, public benefits, and traffic. When referring to ILAO, or any web-based resource, check on personal internet access or direct them to a public library or other public-access computer.

## Community Organizations

Most legal problems do not begin or end in the courthouse. Many court users will also need non-legal help to completely resolve their legal problems. By referring court users to social service providers or community organizations, you can help them continue working to solve their problems, even outside of the courthouse.

There are many situations where a court user can benefit from a non-legal referral, including:

- Someone facing eviction asking for information about homeless shelters
- A veteran with a debt collection case asking how to apply for public benefits
- A survivor of domestic violence asking for counseling services

Social service resources are highly localized. Take a few minutes to learn which service providers operate in your area and their basic information including the services provided, hours of operation, and eligibility criteria.

### The Illinois Domestic Violence Act (IDVA)

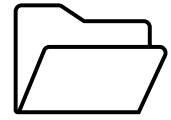
Section 750 ILCS 60/202(d) of the IDVA states that "The court **shall** provide, through the office of the clerk of the court, simplified forms and **clerical assistance to help with the writing and filing** of a petition under this Section by any person not represented by counsel."

The best practice is still to refer court users to local DV advocates who have specialized training. However, if that option is not available, you can and should help court users. The IDVA applies to all persons filing for protection, regardless of gender, sexual orientation, immigration status, or language proficiency.

## Find Your Local Service Providers

The State of Illinois has compiled several lists to help you find your local social service providers:

- Supportive Housing Providers: [dhs.state.il.us/page.aspx?item=30361](http://dhs.state.il.us/page.aspx?item=30361)
- Help is Here: Talk to Someone (Mental Health): [dhs.state.il.us/page.aspx?item=123539](http://dhs.state.il.us/page.aspx?item=123539)
- Illinois Helpline (Substance Abuse): [helplineil.org/app/home](http://helplineil.org/app/home)
- Local DV Advocates [dhs.state.il.us/page.aspx?module=12&officetype=17](http://dhs.state.il.us/page.aspx?module=12&officetype=17)
- Illinois DV Hotline: (1 877 TO END DV)
- Public Benefits Information: [abe.illinois.gov/abe/access/](http://abe.illinois.gov/abe/access/)



## Legal Information Is...

### Providing Court Records, Rules, Statutes, and Public Information

Sometimes court users have questions that can be answered simply by connecting them with the appropriate case file, court rule, or statute. You can direct them to publicly available information by explaining the different ways to access it, both in-person and online.

#### Using Your Local Librarians

Public librarians and law librarians can help court users find the rules and statutes that govern their cases. Find out who your local librarians are, what services they can provide, and their hours of operation.

#### Commonly Used Statutes and Court Rules

Many court users need help finding the laws, regulations, and rules that govern their case. While you should not explain the rules yourself, you can assist court users in finding the rules so they can read them on their own. Public libraries and law libraries may have access to legal texts, electronic legal databases like WestLaw or LexisNexis, or both.

#### Court Files and Docket Information

Court files can seem confusing to court users. You can help by explaining what types of information they will find in a court file and how to request it. You can answer questions or define terms that the user may not understand in the court file, but should not interpret the legal information and court orders found in the file. You can also show a court user how to read an electronic or print docket sheet by defining abbreviations and acronyms mean.

#### Public and Private Court Records

Not all court files are public records. Make sure that you know how to recognize a sealed or impounded file. Some categories of cases are always hidden from the public (e.g., juvenile delinquency cases) while others are sealed by order of the judge. In some circumstances, specific documents in a case file may be sealed while others may be public.

#### Use Your Toolbox



- Local law library or public library (varies by county)
- WestLaw or LexisNexis (if available)
- Illinois Compiled Statutes ([ilga.gov/legislation/ilcs/ilcs.asp](http://ilga.gov/legislation/ilcs/ilcs.asp))
- Illinois Supreme Court Rules ([illinoiscourts.gov/rules-law/supreme-court-rules](http://illinoiscourts.gov/rules-law/supreme-court-rules))



#### Safe Harbor Policy

The policy allows court personnel to provide legal information about court rules and terminology (c)(1) and to share public case files and information on how to access them electronically (c)(17). The policy also allows court personnel to assist court users in pursuing self-guided legal research (c)(9).