

Calgary Divorce Procedure & Legal Advice v. Legal Information

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Family Law for Legal Support Staff

Prepared By:

Aaron M. Vanin

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Legal Advice vs. Legal information

Legal advice is the giving of a formal opinion regarding the substance or procedure of the law by an officer of the Court. In Canada members of the Law Society are given a monopoly regarding the provision of legal advice. Barristers and Solicitors are liable for the legal advice that they give with errors being addressed via their insurance coverage.

Legal information is distinguished from legal advice as it is the reiteration of legal fact. Legal information can be conveyed by a number of means ranging from things like a parking meter or sign to legislation and how to manuals. There is no monopoly on who can provide legal information.

Clients are becoming increasingly savvy in regards to cutting the costs of litigation or the management of their matter. Client's are attempting to communicate with support staff in order to minimize the interaction with the lawyer who charges out at a higher rate. It is becoming increasingly important for legal support staff to know the difference between legal advice and legal information in order to avoid difficulties with the client and potential liability for the law firm and themselves.

The degree to which you communicate with your clients should ultimately be discussed with your lawyer. Given the pace of most of our practices most lawyers will want you to interact with the clients regarding the scheduling of appointments, the review and provision of documents and updates as to filing. Increasingly these clients will seek to pry information from you regarding the next steps in litigation, filing or the administration of their matters. It is important then to understand what are the proper things you can speak to clients about. Finally, an informed client is easier to interact with and is more efficient for the lawyer.

The following are my suggestions regarding what is appropriate to communicate to the client beyond matters regarding scheduling and procedure:

Don't Talk About

1. The interpretation of case law;
2. The interpretation of legislation;
3. The calculation of child support;
4. The calculation of spousal support;
5. The division of property (common law or married);
6. The application of the best interests of the child test (or any legal test for that matter);
7. The Dower Act.