

INFO SHEET #3:

LEGAL INFORMATION VS. LEGAL ADVICE

Why does it matter?

Legal advice goes much further than legal information to assist a person in deciding on a course of action. It, therefore, requires legal expertise. So, it's not something we want to get wrong!

Also, only legal professionals (lawyers and notaries) are legally permitted to give legal advice in Quebec or represent people in court. Anyone else who gives legal advice can be charged with the offence of “illegal practice of law” and face a fine of between \$2,500 and \$62,500!

Legal information is

- **General** information about the law, the options available to a person, and the basic operation of the legal system
- Information about **possible outcomes** in a given situation
- Information based on a **simple reading of the law**
- Information that helps someone to **identify that their situation involves a legal issue and that they may wish to seek legal advice**

Legal advice includes any of the following

- Stating how the law applies to a person's **particular situation**
- **Recommending** a specific course of action
- Providing an **opinion** on the likely outcome of a particular course of action
- Anything involving **interpretation** of the law, that is, something that requires more than a simple reading of the law

Examples of legal information

- Telling a person who recently purchased a home they **may** have a recourse for a hidden defect
- Telling a person involved in a divorce that they **can apply** for support payments
- **Citing the articles of the Quebec Civil Code** regarding procedures for holding a meeting of a condo association
- **Providing referrals** for people to find further legal info or obtain legal advice
(For information on legal services to which you can refer people, see Info Sheet #2: *Free and Low-Cost Legal Services*)

Examples of legal advice

- Telling a person who purchased a home that a specific problem **is a latent defect**
- Telling a person involved in a divorce that they **will be able** to obtain support payments or **recommending that they apply** for support payments.
- Providing an **opinion** on an area of law that is open to different interpretations, that is, the meaning is not clear from a simple reading of the law.
- Preparing a **court procedure**

Hypothetical situation:

Jake tells you he was dismissed from his job last week. The boss said it was because business was slow. But then he hired his girlfriend to do Jake's job. Jake asks you if he can get his job back.

Answering with legal information

- **General info:** Workers in Quebec have some legal protections against dismissal in certain situations.
- **Explain options:** Jake can file a complaint.
- **Provide referral:** The CNESST (labour standards, pay equity and workplace health and safety board) can provide Jake with more information on this, free of charge.

Answering with legal advice (Don't do this!)

- **"That is obviously a case of unjust dismissal."** (You're interpreting the law and stating how it applies to his particular situation.)
- **"You should definitely file a complaint."** (You're recommending a specific course of action.)
- **"You're sure to get your job back!"** (You're stating an opinion on the likely outcome of a particular course of action.)

Some key phrases for you

- I'm giving you general legal information, not advice on your specific situation.
- I can help you to understand the options available, but I can't recommend what you should do.
- I can provide references to a more specialized organization to help you, or to a lawyer or notary who can provide you with legal advice.

Important: Legal issues are confidential!

- Even the fact that the person contacted the organization and asked questions is confidential.
- Your organization must ensure that the place you meet with people to give legal info is private.
- You can discuss the situation with a supervisor or team member as part of the process of answering the person's question, but you must inform the person that you will do so.
- You must **not** share information about the person's situation with anyone outside the organization (apart from some exceptional situations- See Info Sheet 4: *Legal Responsibilities of Staff and Volunteers* for more information.)

Read Also

Info Sheet #1: Finding Reliable Legal Information

<https://educaloi.qc.ca/en/publications/info-sheet-1-finding-reliable-legal-information/>

Info Sheet #2: Free and Low-cost Legal Services

<https://educaloi.qc.ca/en/publications/info-sheet-2-free-and-low-cost-legal-services/>

Info Sheet #4: Legal Responsibilities of Staff and Volunteers

<https://educaloi.qc.ca/en/publications/info-sheet-4-legal-responsibilites-of-staff-and-volunteers/>

Legal Information and Referrals Guide

<https://educaloi.qc.ca/en/publications/legal-information-and-referrals-guide/>

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Québec 

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