

National Scan of Safe Harbor Policies

*Distinguishing Legal Information vs. Legal
Advice: Emerging Best Practices in Policy
Drafting and Dissemination*

October 2024



Acknowledgements

This work was supported by the Pew Charitable Trusts and with the input and collaboration of the National Center for State Courts, Consulting Services Group, Access to Justice Team.

Version 1: Current as of October 2024

Suggested Citation:

G. Vazquez, Z. Zarnow. *National Scan of Safe Harbor Policies, Version 1*. [Williamsburg, VA: The National Center for State Courts, 2024].

If you'd like help developing your own safe harbor policy or training materials, please contact the [NCSC Access to Justice Team](#).

To schedule a call, click this Calendly link: <https://calendly.com/d/q3t-j4y-5zq>.

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I. Introduction

A. Purpose

This report provides an overview of Safe Harbor policies across the United States, critical components of those policies, their role in distinguishing between legal information and legal advice, and emerging best practices for effectively drafting and disseminating these policies. These policies help ensure that self-represented litigants receive the support necessary to navigate the legal system, while also guiding court staff in how to assist court patrons without overstepping professional and legal boundaries.

B. Contextual Overview

A Safe Harbor policy aims to prevent the unauthorized practice of law, by court clerks or self-help center staff, for example, while still allowing them to offer valuable support to court users, particularly self-represented litigants. This is increasingly important as the U.S. legal landscape evolves to accommodate the significant increase in self-represented litigants (SRLs). This shift has placed additional demands on the judicial system to provide guidance on this issue ([Greacen, 2001](#)).

Among the many responses to this situation, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) have repeatedly affirmed their commitment to improving access to justice. Their 2015 resolution acknowledged ongoing barriers that prevent many people from accessing the justice system, especially in areas like housing and family law, and called for policies that support court staff in assisting litigants without engaging in unauthorized legal practice ([CCJ/COSCA Resolution 5, 2015](#)).

C. Impact on Self-Represented Litigants

Distinguishing between legal information and legal advice presents significant challenges for self-represented litigants, who often depend heavily on court staff for assistance. When court staff hesitates to provide guidance due to concerns about crossing into unauthorized legal advice, SRLs may receive varying levels of support depending on whom they consult. This inconsistency can lead to disparate treatment, where one SRL might receive helpful procedural information while another receives minimal support, worsening the difficulties faced by those without legal representation ([Sudeall, 2021, pp. 16-18](#); [Greacen, 2001](#)).

This uneven support can lead to frustration, anger, and confusion among SRLs, who may feel that the court system is inaccessible or biased. This perception may impact an individual's experience and undermines public trust and confidence in the judicial

system. When SRLs view the courts as unpredictable or unfair, they may become less willing to engage with the legal processes, negatively impacting their overall perception of justice ([Greacen, 2022, pp. 2-3](#)).

Broad prohibitions on giving legal advice and strict limitations on what court staff can explain significantly hinder SRLs from accessing essential information. When SRLs are unaware of their legal rights or options and need help navigating complex procedures, these restrictions prevent them from receiving the procedural support they desperately need. This lack of clear guidance can lead to missed deadlines, incorrect form submissions, and ineffective case presentations, ultimately discouraging SRLs from fully pursuing their cases and undermining their ability to achieve fair outcomes ([Sudeall, 2021, pp. 7-8](#); [Greacen, 2001](#)).

D. Impact on Court Staff

Court staff are similarly affected by the challenges of distinguishing between legal information and legal advice. These challenges can cause frustration and confusion for staff, who may be uncertain about what they are permitted to say ([Greacen, 2001, pp. 4-5](#)). When policies are unclear, or training is inadequate, staff may default to offering minimal assistance to avoid overstepping boundaries, which can diminish their morale and effectiveness ([Sudeall, 2021, pp. 16-17](#)).

Morale is particularly affected when staff interact with frustrated court users who do not understand the limitations on legal advice. This lack of public understanding can result in negative interactions, leaving staff feeling unable to meet the needs of self-represented litigants and feeling helpless and dissatisfied ([Greacen, 2022](#)). The absence of clear guidance exacerbates this frustration, making staff feel unsupported and unsure of how to handle complex situations ([Greacen, 2001](#)).

E. Potential Challenges and Strategies to Overcome Them

Implementing Safe Harbor policies comes with its own set of challenges, but there are practical solutions that courts can adopt to overcome these hurdles. Here's a look at some common obstacles and how they can be effectively addressed:

Challenge 1: Perceived Encroachment on the Legal Profession

- Some legal professionals may view Safe Harbor policies as infringing on the traditional role of lawyers. There is an entrenched belief that allowing other professionals to provide certain types of legal information undermines the quality and integrity of legal advice provided by lawyers ([Sandefur & Denne, 2022, p. 9](#)).

Strategies:

- Court staff should present the case for Safe Harbor policies to legal professionals and stakeholders who may be concerned about these policies encroaching on traditional legal roles. Emphasize that Safe Harbor policies are not meant to replace the legal profession but to address gaps where traditional legal services are unavailable or impractical. Highlight the judiciary's growing recognition that assistance from other professionals play a crucial role, especially in areas like domestic violence courts, where pro se litigants are common. Judges increasingly work with professional advocates to ensure fair outcomes, demonstrating that these partnerships enhance rather than undermine the legal system's effectiveness ([Steinberg et al., 2021, p. 3](#)).
- Additionally, Safe Harbor policies can be positioned as part of broader efforts to increase access to justice for underserved populations without compromising the core responsibilities of legal professionals. Explain that these policies allow other professionals to manage routine tasks, freeing lawyers to focus on more complex, legal matters. This approach maintains the legal profession's central role in critical areas while expanding the overall capacity of the legal system to serve the public ([Mathews & Wiseman, 2020, p. 36](#)). Safe Harbor policies should not be confused with regulatory reform efforts. Those aim to expand access to justice through developing roles like Limited Legal Technicians or licensed paraprofessionals, who can provide limited forms of legal advice in certain circumstances. For example, in August of 2024, the Texas Supreme Court proposed a new court rule allowing “Licensed Legal Paraprofessionals”.¹ Regulatory reform is a developing movement and is not discussed in detail here, other than to note that if such an effort results in legislative or policy change in your jurisdiction, it will likely necessitate revisions to your Safe Harbor Policy.

Challenge 2: Resource Constraints

- Developing comprehensive training programs, producing multilingual materials, and creating visual aids can require significant investment. Smaller jurisdictions may struggle to allocate the necessary resources to implement and maintain these policies effectively. Research shows that providing responsive and

¹ Supreme Court Advances Access-to-Justice Efforts with Proposed New Rules to License Legal Paraprofessionals <https://perma.cc/RT9G-SCK5>

appropriate help remains a significant challenge, particularly in areas with limited resources ([Mathews & Wiseman, 2020, p. 31](#)).

Strategies:

- Explore partnerships with local legal aid organizations, community groups, and other stakeholders to share resources and expertise. Engage with these partners early in the process to ensure successful implementation. Research shows that collaboration between community-based organizations and licensed legal professionals can significantly alleviate resource constraints and improve the effectiveness of Safe Harbor policies ([Mathews & Wiseman, 2020, p. 52](#)).
- NCSC supports the [Justice for All \(JFA\)](#) Initiative that offers a variety of helpful tools and resources for states working to improve access to justice. These tools can support states at any stage of developing partnerships—whether just starting out or with established access to justice committees. They're adaptable to a state's specific needs and can be used even if resources for intensive planning are limited, making them a great resource for fostering collaboration. See an NCSC Tiny Chat video on Justice for All [here](#).
 - The JFA tools include:
 - A [framework](#) for identifying the key resources, services, relationships, and support systems needed to achieve justice for all.
 - A [diagnostic tool](#) to help identify opportunities for improving access to justice within a jurisdiction.
 - A [model process](#) to guide access to justice stakeholders from assessment and prioritization to implementation
 - Additionally, support programs that promote the exchange of expertise between these groups can enhance the quality and reach of the services provided ([Balser et al., 2024, p. 28](#)). Focus initially on high-impact areas, such as creating basic procedural guides and commonly used forms, which can be scaled up over time. This collaborative approach allows smaller jurisdictions to gradually expand their Safe Harbor offerings while efficiently using available resources.
 - NCSC offers a free program called Forms Camp, with support from the State Justice Institute (SJI), that provides training and technical assistance to courts to improve one or a small set of forms through a series of interactive webinars and work sessions. Topics included: Form design, plain language, accessibility, user testing, document assembly and automation, and form review and revisions. View all of the webinars and materials from past Forms Camps [here](#).

- Courts don't need a big budget to start making an impact through user-friendly materials and resources. Simple tools like PowerPoint presentations, basic videos, posters, infographics, or charts can effectively communicate key information. These low-cost methods can help courts meet immediate needs while keeping the door open for scaling up later.
- NCSC maintains multiple pre-made PSAs freely available for courts to download and use on their own website. Some topic examples include: [Service of Process](#), [Rental Assistance Availability](#), Legal Advice vs. Legal Information, Navigating the Court System Without a Lawyer, Legal Language 101, Understanding Small Claims Court, Filing Motions, Civil vs. Criminal, What to Do After Being Served, Understanding Common Procedural Terms, and The who, what, when, where and how of State Courts. View the rest of these PSAs available for download [here](#).

Challenge 3: Resistance to Change Within the Judicial System

- Court staff and administrators accustomed to existing practices may be reluctant to adopt new procedures, especially if they believe these changes will increase their workload or legal risk. Resistance often stems from the lack of consistent guidelines across different court systems and the hesitation to extend Safe Harbor protections to a broader range of staff and volunteers ([Greacen, 2022, p. 4](#)).

Strategies:

- Clearly communicate the benefits of Safe Harbor policies, such as reducing the burden on court staff by clarifying what they can and cannot do. Provide ample support during the transition, including hands-on training sessions and access to resources that help staff feel more comfortable with the new policies.
- Engage with community-based organizations and highlight success stories from other jurisdictions where Safe Harbor policies have been successfully implemented. This approach can help reduce resistance by demonstrating these changes' positive impact on both court staff and the communities they serve ([Balsler et al., 2024, p. 48](#); [Coronado et al., 2024, p. 29](#)).
- You can even reference this very toolkit as a starting point. It includes an [Appendix](#) highlighting that these practices are commonly used across the country and offers specific, practical ways to improve current policies.

Challenge 4: Safe Harbor Policy Limitations

- While Safe Harbor policies are designed to protect court staff from engaging in unauthorized practice of law, they do not fully address the broader issue of access to legal advice for those who cannot afford traditional legal services. These policies manage the risks associated with providing legal information but do not solve the underlying challenge of ensuring equitable access to comprehensive legal support ([Sandefur et al., 2021, pp. 6, 11](#)).

Strategies:

- Position Safe Harbor policies as one component of a broader strategy to improve access to justice. Partner with existing community-based organizations that serve low-income and disadvantaged populations, formally recognizing and supporting their role in providing legal assistance. Train staff to actively refer SRLs to these organizations for additional support and collaborate with these groups to expand their capacity within the legal framework.
- Train court staff to effectively use online platforms and legal tools to assist SRLs. Develop clear digital resources, such as guides and videos, to help bridge the gap for those who cannot afford traditional legal services. Regularly update and collect feedback from staff and users to improve these tech-based solutions.

II. The Definitions of Legal Information and Legal Advice

A. Definition of Legal Information

Legal information comprises factual data about laws, legal processes, and court procedures. It includes explanations of what the law is, descriptions of legal rights and responsibilities, and guidance on navigating the judicial system. Legal information does not involve applying the law to an individual's specific situation. Court staff, such as clerks and law librarians, are permitted and often have an obligation to provide this type of information to help the public understand how the legal system works ([Greacen, 2022, p. 5](#)). By providing legal information, court staff can assist self-represented litigants with navigating procedural aspects of their cases, increasing court efficiency without engaging in the unauthorized practice of law ([Greacen, 2015, pp. 2-3](#)).

B. Definition of Legal Advice

Legal advice, on the other hand, involves interpreting the law and applying it to an individual's specific circumstances. It includes advising someone on what legal actions they *should* take, offering opinions on the likely outcomes of a legal matter, or suggesting strategies based on legal analysis. Generally, under most unauthorized practice of law regulations, only licensed attorneys are authorized to provide legal advice ([Greacen, 2022, p. 5](#)).

It is important to note that there is a growing movement to allow non-lawyer professionals to offer limited legal advice through new regulatory frameworks. For example, [Utah](#) and [Arizona](#) have pioneered programs that permit trained paraprofessionals, known as Legal Paraprofessionals (LPs) or Limited License Legal Technicians (LLLTs), to provide specific legal services in areas like family law and landlord-tenant disputes. [Alaska](#) promulgated a Court Rule that provides a waiver for people not admitted to the practice of law to provide limited legal assistance so long as they complete an approved training offered by Alaska Legal Services Corporation. These programs aim to increase access to legal advice for individuals who cannot afford traditional legal services by enabling these trained professionals to handle more routine legal tasks and offer advice within a regulated scope ([IAALS, 2022, pp. 10, 15](#)).² For purposes of this report we do not explore those efforts in detail, but do want to note that changes such as those will likely require corresponding changes to Safe Harbor policies.

For more resources on the distinction between Legal Information and Legal Advice, check out NCSC's [Tiny Chat](#) and [Tiny Chat Companion](#) on the topic.

V. Emerging Best Practices for Drafting a Safe Harbor Policy

Across jurisdictions, Safe Harbor policies share common elements and practices that help court staff assist users while respecting legal boundaries. These policies take various forms, including court rules and state laws, or as guidance to the public and court staff. Some jurisdictions incorporate these principles into Unauthorized Practice of Law (UPL), standards and codes of ethics, offer waivers for limited legal practice, or

² To learn more about these developments, visit the Institute for the Advancement of the American Legal System (IAALS) website on [Allied Legal Professionals](#) or read the I.A.A.L.S. National Report "[Allied Legal Professionals: A National Framework for Program Growth](#) ." This report, however, focuses on Safe Harbor policies and does not explore these emerging regulatory changes in detail.

simply offer guidance to staff and the public through training materials and information on court websites. A comprehensive table detailing the categories of State, Policy or Guidance Type, Author, Policy, Document, or Webpage Title, Year Adopted or Amended, and Link can be found in the [Appendix: "Table of Safe Harbor Policies and Guidance Across the U.S."](#).

When drafting any policy, courts should also consult NCSC's [17 Avoidable Pain Points When Authoring and Electronically Publishing Local Court Rules and Orders](#), which offers practical insights and examples to help courts identify and address common challenges faced when drafting, formatting, and disseminating court policies.

The following is a list of the identified common elements and emerging best practices across the United States:

1. Clear Guidelines and Distinction Between Legal Information and Legal Advice

Safe Harbor policies should include explicit rules that clearly define what court staff must, may, and cannot do, making a clear distinction between legal information and legal advice. These rules help court staff navigate the line between offering permissible assistance and avoiding the unauthorized practice of law. By clearly outlining these categories, the policy ensures that SRLs receive the necessary help while maintaining legal integrity. It also emphasizes that there is some legal information that court staff are not only allowed but required to provide to SRLs. To support this, provide training materials that help court staff feel confident in their roles and ensure SRLs receive consistent levels of service, which is crucial for maintaining public trust.

Court Examples:

- **Kansas Court Rule 1402:** This rule categorizes actions into required, permitted, and prohibited, such as providing court forms and explaining procedural steps while explicitly prohibiting legal research or giving legal advice. ([Kansas Court Rule 1402](#))
- **Illinois Supreme Court Policy:** This policy outlines permitted services, such as providing information about court rules, terminology, and procedures, but prohibits offering legal advice. ([Illinois Supreme Court Policy](#))
- **Colorado Chief Justice Directive 13-01:** Defines the basic services and role of Self-help personnel, clarifies what constitutes legal information, and lists explicitly prohibited services, ensuring staff do not cross into giving legal advice. ([Colorado Chief Justice Directive 13-01](#))

- **Georgia Court Rule 17:** This policy includes an appendix that details commonly asked questions and answers for self-help staff to utilize. This promotes procedural fairness by ensuring court users receive the same assistance from each court staff person. ([Georgia Court Rule 17](#))

See the section [“Emerging Best Practices in Disseminating Information to Court Staff”](#) for more guidance on creating comprehensive training materials for staff.

2. Referrals

Safe Harbor policies should include clear and actionable guidelines for referring court users to appropriate legal resources, such as legal aid organizations or pro bono services when their needs exceed what court staff can provide.

To ensure these policies are effective, court staff should:

- **Identify Trigger Points:** Clearly define situations where referrals are necessary, ensuring that court staff recognize when SRLs require external assistance.
- **Establish and Maintain a Trusted Network:** Provide a list of vetted legal aid organizations and community partners, detailing how to contact them and what services they offer. This ensures that SRLs are connected to reliable resources quickly and efficiently. The list should be maintained and updated regularly to ensure accurate contact information, acceptance criteria, and intake procedures.
- **Prepare SRLs for Referrals:** Give SRLs simple, written instructions that explain what to do next after a referral. Include contact information, what to expect from the referral process, and any steps they need to take before their appointment.

Court Examples:

- **Colorado Chief Justice Directive 13-01:** Encourages referrals to community resources and legal aid organizations when SRLs need more assistance than what court staff can provide. ([Colorado Chief Justice Directive 13-01](#))
- **Idaho Court Assistance Services Rule 53:** Specifies that court staff should refer individuals to appropriate resources, including legal aid, when their needs exceed the scope of court-provided information. ([Idaho Court Assistance Services Rule 53](#))

- **Illinois Supreme Court Policy:** Permits court staff to refer SRLs to external resources and provides examples of types of legal resources and referrals that court staff should be prepared to assist SRLs with. ([Illinois Supreme Court Policy](#))

More information on establishing a robust referral process can be found in NCSC's [Eviction Diversion Considerations - Referral Partnerships](#)

3. Unauthorized Practice of Law or Practice of Law Definition

A Safe Harbor policy should explicitly state that providing legal information does not constitute the unauthorized practice of law. This clarification is crucial for legally safeguarding court staff and ensuring they can confidently assist SRLs within the boundaries established by the policy. This goes one step further than providing "Clear Guidelines and Distinction Between Legal Information and Legal Advice" and clarifies that the actions they take, specifically when providing legal information, do not constitute unauthorized practice of law, reinforcing their ability to assist within the established guidelines.

Court Examples:

- **Illinois Supreme Court Policy:** "Services provided under section (c) of this policy do not constitute the unauthorized practice of law." This clarifies that the services and information listed under that section are squarely permissible. ([Illinois Supreme Court Policy](#))
- **Idaho Court Assistance Services Rule 53:** "Services, materials, or information provided by Court Assistance Officers or Deputy Clerks... shall not constitute the unauthorized practice of law." This statement protects court staff while allowing them to assist the public effectively. ([Idaho Court Assistance Services Rule 53](#))
- **Utah Code of Judicial Administration Rule 14-802:** "Providing general legal information, opinions, or recommendations about possible legal rights, remedies, defenses, procedures, options, or strategies, but not specific advice related to another person's facts or circumstances," is permitted and does not constitute unauthorized practice of law. ([Utah Code of Judicial Administration Rule 14-802](#))

4. Staffing, Volunteers, and Other Professionals

Safe Harbor policies should clearly define the roles they are designed to protect. In addition to court staff, consider including groups such as community members, non-lawyer volunteers, or even law students. By involving community members and other

professionals, courts can expand their capacity to assist the public while ensuring that all individuals involved operate within the legal boundaries established by the policy. Make sure the policy provides legal protections for non-lawyer personnel similar to those offered to court staff.

Court Examples:

- **Colorado Chief Justice Directive 13-01** Establishes the role of “Self-Help Personnel” in assistance to SRLs, and explicitly defines “Self-Help Personnel” to include court employees and volunteers. ([Colorado Chief Justice Directive 13-01](#))
- **Minnesota Court Rule 110:** Establishes the authority of district courts to create Self-Help Programs that may be staffed by lawyer and non-lawyer personnel, and volunteers under the supervision of court staff. ([Minnesota Court Rule 110](#))

5. Public Awareness and Disclosure

Safe Harbor policies should mandate measures to inform the public about available services and the boundaries of assistance, clearly stating that no attorney-client relationship exists, communications are not privileged, and court staff must remain neutral. These disclosures help to manage the expectations of court users by clearly informing them of the limitations of the assistance provided by court staff. The disclosures are designed to protect court staff from legal liability and ensure that users understand that court staff must remain impartial and that their interactions are not covered by confidentiality or privilege.

To maintain flexibility, courts should avoid specifying exact signage or language in the policy itself. Instead, these disclosures can be communicated through various channels such as signage in self-help centers, disclosures on court websites, promotional materials, and by informing any partners who refer users to court services. This approach allows courts to tailor the method of disclosure to their specific needs and circumstances while ensuring that the essential information is effectively communicated to all court users.

Court Examples:

- **Kansas Court Rule 1402:** Requires courts to disclose that assistance provided by court staff does not constitute legal advice and does not create an attorney-client relationship. ([Kansas Court Rule 1402](#))
- **Colorado Chief Justice Directive 13-01** States that any assistance court staff provides is neutral and non-confidential and does not establish an attorney-client relationship. ([Colorado Chief Justice Directive 13-01](#))

- **Minnesota Court Rule 110:** Requires self help programs to “provide conspicuous notice” to disclose to SRLs that their assistance is not legal advice and does not create any privileged relationship. ([Minnesota Court Rule 110](#))

See the section “[Emerging Best Practices in Disseminating Information to Court Patrons](#)” for guidance on creating communications that are in plain language and accessible to court users.

6. Language Access and Assistance

Safe Harbor policies should ensure that court services are accessible to Limited English Proficient (LEP) individuals by providing language interpretation and translation services in compliance with Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on national origin. Under Title VI, courts are legally required to ensure that LEP speakers receive the same level of service as English speakers, allowing them to fully participate in legal processes³. In addition, many states have enacted their own laws to further strengthen language access requirements in their court systems.

The policy should mandate both written translation of materials (e.g., forms, instructions, informational brochures) and oral interpretation services for court proceedings and interactions with court staff outside the courtroom. This dual approach ensures that LEP individuals have access to both the information they need to navigate the court system and the ability to communicate effectively with court personnel

The policy should also mandate training for court staff on the importance of language access and how to effectively use available resources, such as translation and interpretation services. This training ensures that staff are aware of the tools at their disposal and federal requirements for assisting LEP court users properly.

Court Examples:

- **Illinois Supreme Court Policy:** Defines "Limited English Proficient (LEP) person" and ensures that court staff provide language assistance to these court users. The policy also explicitly specifies assistance of LEP court users outside of court proceedings as a *permitted* service. ([Illinois Supreme Court Policy](#))

³ LEP.gov – Department of Justice (DOJ) and State Courts <https://perma.cc/7753-DKPU>

- **Kansas Court Rule 1402:** This policy standardizes assistance to the public and permits court staff to identify language-access resources to assist LEP court users, ensuring they receive the help they need. ([Kansas Court Rule 1402](#))
- **California Rules of Court, Rule 10.960:** Standardizes services provided by Self Help Centers (SHCs) by issuing guidelines that address language access processes. This guidance directs SHCs to develop a language access plan that ensures LEP court users can understand and navigate court processes. ([California Court Rule 10.960](#))

See the section [“Emerging Best Practices in Disseminating Information to Court Staff”](#) for more guidance on creating language access training materials for staff.

For more resources on language access, see NCSC's resources and tools on the topic: [Tiny Chat 124: Working with Interpreters](#), [Tiny Chat 10: Mailbag: Language Access](#)

7. Support for Persons with Disabilities

Safe Harbor policies should establish consistent standards across all courts to provide effective support for individuals with disabilities. These policies prioritize proactive measures that ensure court services are accessible and usable from the start, rather than relying solely on accommodations.

Accommodations, while necessary, place the burden on individuals with disabilities to request help, which may be especially difficult for those with limited capacity or experiencing trauma. Navigating the court system is stressful and overwhelming for any SRL. This stress is compounded when an SRL must also figure out how to request an accommodation, identify exactly what assistance they need, all while managing the complex legal issues that brought them to court. This approach can also strain court systems, especially when dealing with a high volume of individual requests.

To alleviate these challenges, Safe Harbor policies should focus on integrating accessibility by design, ensuring that people with disabilities can easily navigate and utilize court programs and services without needing to make additional requests. A proactive approach that invests in accessibility and usability upfront will reduce the strain on court resources and minimize the demand for case-by-case accommodations. This is particularly important given that many courts are under-resourced and face high service demands.

Courts should adopt universal design principles in everything from physical spaces to digital platforms, making sure that all environments are barrier-free and usable by everyone. When accommodations are needed, courts must be ready to provide

reasonable options. Reasonable accommodations might include things like offering assistive technologies, such as screen readers or assistive listening devices, providing sign language interpreters, ensuring that courtrooms are physically accessible, or allowing extra time for individuals to complete forms or procedures. Courts are also obligated to produce materials that meet accessibility standards, extending beyond websites and apps to include forms, PDFs, and case management system outputs. The recent final rule from the Department of Justice strengthens these requirements that these systems and public-facing technologies must be fully accessible⁴.

The policy must ensure compliance with all relevant legal standards, such as the [Americans with Disabilities Act \(ADA\)](#), which requires public entities, including courts, to provide equal access to services for individuals with disabilities. This includes not only physical access but also access to information and communication. The policy should also require that court staff receive training on how to identify the needs of individuals with disabilities and how to provide appropriate accommodations so that staff are prepared to assist all users effectively and that they understand their legal obligations under the ADA and other relevant laws.

Standardizing these accessibility standards will ensure courts provide equal opportunities for all individuals, including those with disabilities, to fully participate in legal processes. By proactively removing barriers, courts promote fairness, reduce disparities, and build trust in the justice system. This approach strengthens procedural fairness and upholds the integrity of the court system for everyone.

Court Examples:

- **Kansas Court Rule 1402:** Requires court staff to assist individuals with disabilities by helping them complete forms and access resources if they face barriers due to their disability. ([Kansas Court Rule 1402](#))
- **Illinois Supreme Court Policy:** Emphasizes making court services accessible to all users, including those with disabilities, through reasonable accommodations. ([Illinois Supreme Court Policy](#))
- **Colorado Chief Justice Directive 13-01:** Requires Self-Help Personnel to scribe information for an SRL that cannot complete specified forms due to disability, language, or literacy barriers. The policy also directs Self-Help

⁴ For more details, see the [DOJ's final rule](#) and [press release](#).

personnel to refer SRLs to the ADA coordinator for information about accommodations. ([Colorado Chief Justice Directive 13-01](#))

See the section “[Emerging Best Practices in Disseminating Information to Court Staff](#)” for more guidance on creating accessibility training materials for staff.

For more resources on creating accessible courts, see NCSC's resources and tools on the topic: [Accessible Courts: Toward Universal Design](#), [Tiny Chat 117: Down to the Struts](#)

8. Regular Feedback and Evaluation

Safe Harbor policies should establish systems for collecting feedback from court users and staff to continuously evaluate and improve their effectiveness. Regular feedback and evaluation allow courts to refine their policies, address emerging challenges, and ensure that assistance provided to SRLs remains relevant, effective, and legally sound.

To capture a broad range of perspectives, the policy should include specific mechanisms for gathering feedback from court users and staff, such as surveys, suggestion boxes, focus groups, or digital feedback forms. The policy should also outline a process for evaluating and analyzing the feedback collected, ensuring that it is used to make meaningful improvements. This process includes identifying common issues, improvement areas, and potential policy changes.

Once changes are made based on feedback, it's important to communicate them clearly to court staff and users. This helps ensure that everyone knows the new procedures and understands the rationale behind the changes, which can increase buy-in and compliance.

Court Examples:

- **California Rules of Court, Rule 10.960:** Standardizes services provided by Self Help Centers (SHCs) by issuing standard operating guidelines. This guidance directs SHCs to integrate into the larger court through meetings with other departments. The guidance highlights the valuable insight SHC staff have into larger court operations as they hear direct feedback from court users regularly. ([California Court Rule 10.960](#))
- **Georgia Court Rule 17:** This policy promotes continuous feedback by encouraging staff to consult supervisors when unclear and to review guidelines regularly. It emphasizes the need for updating referral information as it may

change over time, ensuring the policy remains relevant and effective. ([Georgia Court Rule 17](#))

More information on the importance of user feedback for courts can be found in NCSC's Report: [User Feedback Is Essential](#)

VI. Emerging Best Practices in Disseminating Safe Harbor Information to Court Patrons and Staff

A. Disseminating Information to Court Patrons

The following section highlights emerging best practices from a review of court websites and other public notices across the country, including signage, flyers, and forms, focusing on the distinction between legal advice and legal information. The best examples emphasize clear navigation, defined clerk roles, consistent messaging, effective referrals to support services, regular updates based on user feedback, and the use of F.A.Q.s and multimedia resources.

1. Plain Language, Clear Navigation, and Visual Clarity

Websites and public notices should prioritize intuitive design elements such as clear headings, simple language, and logical flow to make critical information easy for court users to find and access. When disseminating Safe Harbor policies to the public, using clear and straightforward language is essential. NCSC's [Plain Language Resources](#) and [Plain Language Glossary](#) can be great tools to use to ensure that the information is easily understood by all court users, including those with limited legal knowledge. NCSC's [Best Practices for Creating Legal Self-Help Materials](#) provides additional information to assist courts in creating user-friendly resources. These strategies can help courts make sure their websites and public communications offer accessible, reliable, and user-friendly guidance to self-represented litigants and the public.

Court Examples:

- **Illinois Courts ([Website](#))**: This site prominently displays critical information and uses straightforward navigation menus, making it easy for users to access needed resources.
- **Vermont Judiciary ([Website](#))**: The website features an intuitive layout with clear links to self-help resources, ensuring users can quickly find relevant information.

- **California Courts ([Website](#)):** This site uses dropdown boxes and tiles to allow users to easily access specific topics and resources. The dropdown menus help users filter information by category. At the same time, the visual tiles provide a clear, organized way to navigate various legal topics, making it easy to find the necessary information quickly.

For more resources on clear communication, see NCSC's resources and tools on the topic: [Clear Communication Checklist](#), [Clear Communication Resources](#), [Tiny Chat 39: Plain Language](#), [Resource: Tiny Chat Companion: Plain Language](#), [Best practices for creating legal self-help materials](#), [Tiny Chat 134: Best Practices for Creating Legal Self-Help Materials](#), [Tiny Chat 2: Clear Communication](#), [Tiny Chat Companion: Clear Court Communications Resource](#), [Tiny Chats 101: Website Design](#), [Tiny Chat 33: Illustrated Instructions](#), [Tiny Chat 32: Instructions](#), [A Tiny Chat Companion: Instructions](#)

2. Clerk Roles and Consistent Messaging Across Platforms

Court websites and public notice materials should clearly define clerks' roles and responsibilities to help users understand what assistance is available. By adopting standard language across all court communications—both online and in-person—courts can avoid confusion, manage user expectations, and foster trust in the court system.

Clearly outlining what clerks can and cannot do prevents misunderstandings with the public that could lead to frustration or even legal issues. When users understand the limitations of clerk assistance, they are less likely to make requests that clerks cannot fulfill, reducing stress for staff and minimizing potential conflicts. Additionally, users who are well-informed about the assistance available can navigate the system more efficiently, making better use of court resources. This clarity helps decrease the number of repeat inquiries and lightens the workload on court staff.

Court Examples:

- **Arizona Court Help ([Website](#)):** This site provides a comprehensive list of tasks that court clerks can and cannot perform. It emphasizes that clerks can provide procedural information, assist with forms, and offer general guidance, but cannot offer legal advice or interpret the law.
- **North Dakota Courts ([Website](#)):** The website outlines the specific types of assistance clerks can provide, such as helping users navigate court forms and procedures, while also making it clear that clerks cannot provide legal advice. This clarity ensures users are well-informed about the support they can expect.

3. Referrals to Self-Help Centers and Other Additional Support Services

Court websites and public notices are essential touchpoints for individuals seeking legal assistance, particularly for SRLs who may be unfamiliar with the legal system. While these platforms provide valuable information, they cannot address every aspect of the legal process or meet every user's specific needs.

To ensure that users receive comprehensive assistance beyond what the court website can provide, include links and contact information to direct them to self-help centers, legal aid organizations, pro bono services, and community resources. This allows users to access professionals who can offer the personalized guidance and assistance they need, ensuring they are better equipped to navigate their legal matters.

Court Examples:

- **Maryland Courts ([Website](#))**: This site prominently features links to self-help centers and legal aid services, ensuring users can access necessary support.
- **Fulton County Magistrate Court ([Website](#))**: The site offers links to external resources, including legal aid, social services, and community organizations, ensuring users can find additional help beyond the court's offerings.

4. Regular Updates, Feedback Loops, and Content Maintenance

Regular updates and feedback loops are essential for ensuring that court websites and public notice materials remain accurate and user-friendly. Legal procedures, court forms, and resources often change due to new laws, updated regulations, or internal policy shifts. Court websites and public notices must be consistently reviewed and updated to keep up with these changes. The same is true for referral sources, and staff must ensure that they have the latest contact information, understand an organization's hours, intake procedures, eligibility criteria, and the like and that it is current.

Websites should incorporate user feedback to refine content and provide ongoing training for staff. Court staff responsible for updating websites and creating public notices should receive ongoing training in content management, accessibility, plain language, and the latest legal requirements.

It's also important to periodically review any posted signage or promotional materials to ensure their accuracy. Inaccurate or outdated information can lead to misunderstandings, procedural errors, and frustration, ultimately undermining users' trust in the court system.

Court Examples:

- **Maryland Courts (Website):** This site regularly updates its content and actively solicits user feedback with a link stating, "We want your feedback. [Click here and let us know about your experience](#)", ensuring the information remains relevant and useful.

5. F.A.Q.s and Multimedia Resources

Incorporate F.A.Q.s and multimedia resources like videos to address common questions and explain complex legal concepts in an accessible way. Legal concepts and procedures can be challenging for self-represented litigants (SRLs) and other court users to grasp, especially when presented in traditional text-heavy formats. F.A.Q.s help break down this information into straightforward, manageable pieces, making it easier for users to find the answers they need without sifting through lengthy documents.

People absorb and retain information differently—some learn best through reading, others through listening, and some through watching demonstrations. Multimedia resources, such as videos, can engage users in ways that text alone cannot. Videos can visually demonstrate legal procedures, explain legal rights and responsibilities, and guide users through forms and processes. This is particularly helpful for visual learners or those who struggle with reading complex legal language. Courts can also utilize digital assistants, like these, which were developed with NCSC:

- Tenant Landlord Digital Assistant (Philadelphia Municipal Court):
<https://www.courts.phila.gov/municipal/civil/Landlord-Tenant-Cases/tlda/>
- Consumer Debt Information Bot (Philadelphia Municipal Court):
<https://www.courts.phila.gov/municipal/civil/codi/>
- Traffic Resolution Information Platform (Salt Lake City):
<https://www.slc.gov/courts/traffic/>

Providing clear and accessible information through F.A.Q.s and multimedia resources can also reduce the volume of in-person or phone inquiries from users who are confused or unsure about legal processes. For example, chatbots can offer after-hours assistance to visitors on court websites, answering common questions and guiding users through basic tasks. This can help users feel more informed, prepared, and confident in handling their legal issues. It can also free up court staff to focus on more complex or case-specific inquiries that cannot be addressed through online resources alone. Learn more about the benefits of court chatbots in this resource.

Court Examples:

- **New Mexico Courts** ([Website](#)): The site includes a comprehensive F.A.Q. section that addresses common questions and explains court processes.
- **Arizona Court Help** ([Website](#)): The website features informational videos and F.A.Q.s, helping users understand legal procedures through different formats.
- **NCSC** has created a set of [“A2J” videos](#) meant for courts to download and use to educate the public about common legal topics, with one specifically about [“Legal Advice vs. Legal Information”](#).

More information on the benefits of court chatbots can be found in NCSC's toolkit on [Court Chatbots](#) and in [Tiny Chat 139: Build a Chatbot with Us!](#)

B. Disseminating Information to Court Staff

The following section outlines emerging best practices identified from a review of court training materials across the country related to the distinction of legal advice and information. These practices include establishing a strong ethical framework for court staff, providing clear guidelines and role-playing exercises, integrating procedural training and resource referrals, ensuring language access and accessibility, implementing continuous feedback loops, and offering additional training on cultural sensitivity, stress management, emotional resilience, and de-escalation techniques.

1. Clear Guidelines and Role-Playing Exercises on the Distinction Between Legal Information and Legal Advice

Provide clear guidelines for court staff on the distinction between legal information and legal advice by providing explicit rules outlining what court staff can and cannot do, categorizing actions into "must/required," "may/permitted," and "cannot/prohibited". Include scenario-based examples and role-playing exercises in training materials to help staff practice these concepts in real-world situations.

- **Clear Guidelines:**
 - **Illinois Court Training Material- [What is Legal Information?](#)**: Illinois published a guide with its safe harbor policy that clearly differentiates between legal information and legal advice. The guide emphasizes that legal information should be universal, objective, and unrestricted—available to anyone without requiring detailed case knowledge. Practical tips include always providing the same information to any party regardless

of who asks and using resources like court forms and procedural explanations to assist without crossing into advice.

- **Role-Playing and Scenario-Based Learning:**

- **Maryland Training Material- [What Can I Do to Help You?](#):** Maryland's training includes scenario-based learning where staff are given real-world examples of interactions with court users. Role-playing these scenarios allows staff to engage with the material actively, reinforcing their understanding of the guidelines and improving their ability to handle similar situations in actual court settings. These exercises can help staff identify areas for improvement and build confidence in applying their knowledge.
- **Arizona [Guide to Court Customer Assistance](#):** Arizona's training materials also include scenario-based examples that allow staff to practice procedural guidance in a controlled environment. These exercises help staff better understand the nuances of different interactions and prepare them to provide accurate and impartial information.

2. Core Ethical Framework

Establish a strong ethical foundation for court staff, emphasizing the importance of impartiality, confidentiality, and professional behavior in all interactions with court users. As the first point of contact for many court users, including self-represented litigants (SRLs), court staff significantly impact public perception. Create ethical decision-making scenarios with detailed explanations of reasoning to help staff identify and navigate complex situations. Define these terms and who they apply to. Here are some examples of definitions to include:

Impartiality- Court staff must provide the same level of service to everyone, regardless of who they are or the details of their case. It's important to avoid any actions that could seem biased or unfair.

Confidentiality- Court staff must keep sensitive information private and secure. This means knowing which information is public and which should be kept confidential and ensuring private details are not shared inappropriately.

Professionalism- Court staff should always be respectful and courteous in all of their interactions with the public. This includes using appropriate language and behavior, providing accurate information, and maintaining a neutral stance when assisting a court user with legal information.

Court Examples:

- **California Training Material- [May I help you?](#):** Emphasizes the importance of adhering to a Code of Ethics, guiding court staff to maintain impartiality and confidentiality while providing professional service to court users.
- **Illinois Court Training Material- [What is Legal Information?](#):** Outlines ethical responsibilities, ensuring that staff understand their role in upholding the court system's integrity through impartial and confidential service.
- **Maryland Training Material- [What Can I Do to Help You?](#):** Provides clear instructions on maintaining neutrality and avoiding conflicts of interest in all court-related interactions. Includes scenarios to help staff recognize and avoid potential conflicts
- **Michigan [Employee Guide to Legal Advice](#):** Provides examples of typical scenarios where staff might face ethical dilemmas, helping them navigate these situations while maintaining neutrality.

3. Procedural Training, Practical Guides, and Comprehensive Resource Referrals

Equip court staff with detailed procedural guides, practical reference materials, and a resource referral guide to assist court users effectively and ensure consistency in service delivery. These tools ensure that staff can provide accurate information and direct users to the appropriate services without crossing any boundaries into legal advice. Here is more specific information on these tools and what they could involve:

Procedural Guides and Checklists

Providing staff with clear procedural guides and checklists is essential for ensuring that court processes are followed correctly and uniformly. These tools break down complex procedures into actionable steps, helping staff deliver consistent and reliable information. For example, a checklist on filing procedures can ensure that staff cover all necessary steps with court users, reducing the risk of errors and omissions.

Practical Reference Materials

Reference materials, such as quick guides and handbooks, serve as valuable resources that staff can consult during interactions with court users. These materials should cover standard court processes, courtroom etiquette, and case management protocols.

Comprehensive Resource Referrals

A comprehensive resource referral guide connects court users with additional support services beyond what the court can provide directly. This guide should include

information on legal aid organizations, social services, interpreter services, and community resources. It is important that court staff maintain up-to-date contact information for these referral sources, and be familiar with each organization's hours, intake procedures, and eligibility criteria to ensure accurate and helpful referrals.

Training on Effective Use of Resources

Training staff on effectively using these guides and materials is as important as the resources themselves. Staff should be familiar with the resources and know how to apply them in various situations.

Court Examples:

- **Illinois Court Training Material- [What is Legal Information?](#):**
 - **Guidelines for Navigating Complex Scenarios:** The guide offers detailed instructions on responding to complex situations, helping staff distinguish between legal information and advice.
 - **Ready Access to Key Resources:** The guide also includes references to Illinois laws, court rules, and public resources, ensuring staff have immediate access to reliable, up-to-date information when assisting court users.
 - **Toolbox for Court Staff:** The guide equips court staff with statewide standardized forms and scenario-specific guidance, offering practical resources to handle legal information inquiries consistently and effectively.
- **Oklahoma Training Material - [Legal Information for Oklahoma:](#)**
 - **Practical Reference Tools:** The Oklahoma guide provides a range of reference materials designed to assist court staff with standard court procedures, including information on responding to common legal inquiries while avoiding giving legal advice. The guide also includes instructions on how to navigate common interactions with the public.
 - **Standardized Legal Resources:** The court has created standardized legal resources, ensuring that staff can confidently provide consistent, approved information to court users. This system helps streamline responses and ensures that everyone receives accurate, reliable guidance.
- **Georgia Training Material- [Guidelines & Instructions for Clerks Who Assist Pro Se Litigants in Georgia's Magistrate Courts:](#)**
 - **Standardized FAQs and Instructions:** This appendix provides detailed, standardized FAQs and responses to help clerks assist pro se litigants

across a wide variety of legal topics, such as filing civil cases, eviction processes, and addressing landlord-tenant issues. By outlining appropriate responses, it helps clerks confidently provide consistent, accurate information to SRLs

4. Language Access and Accessibility

Provide comprehensive training on language access and accessibility to ensure court staff are equipped to assist individuals with LEP and those with disabilities, ensuring equitable access to court services for all users. This training should focus on practical strategies for effectively communicating with and accommodating these users.

Language Access Court staff should be trained to identify and assist LEP individuals from the moment they engage with the court system. Staff must understand how to assess language needs at the first point of contact and know the available resources to address these needs. This includes using bilingual staff, telephonic interpretation services, and translated materials to overcome language barriers. Staff should also be familiar with the procedures for requesting interpretation services and ensuring these are communicated clearly to court users.

Accessibility for Individuals with Disabilities To make court services accessible to all users, staff must be trained to accommodate individuals with disabilities. This includes ensuring physical spaces are accessible, providing assistive technologies, and knowing how to help users with disabilities navigate the court system. Training should also cover how to assist with tasks like reading or completing forms and how to ensure digital resources are accessible. Court staff should be empathetic and proactive in offering assistance, making sure all programming and processes are designed from the court users perspectives.

Court Examples:

- **Language Access:**
 - **Massachusetts [Serving the Self-Represented Litigant: A Guide by and for Massachusetts Court Staff](#):** This guide emphasizes the importance of language access to ensure equitable court services for LEP individuals. It instructs court staff to promptly identify LEP needs at the first point of contact and provides clear procedures for requesting interpreter services. This ensures that LEP users can effectively communicate and fully participate in legal proceedings. Additionally, the guide highlights the use of bilingual staff and translated materials to bridge communication gaps.

- **Maryland Training Material- [What Can I Do to Help You?](#):** The Maryland guide provides specific guidance on providing interpreters for court proceedings. It advises staff to be proactive in offering language assistance using “I speak” cards and to be aware of the procedures for requesting and providing interpretation services. Practical tips include having a list of available interpreters and language services and making sure that all staff are trained on how to access these resources.
- **Accessibility for Individuals with Disabilities:**
 - **California Training Material- [May I help you?](#):** This guide emphasizes the need for court services to be accessible to all users, including those with disabilities. It outlines strategies for making physical spaces, communication methods, and digital resources accessible. Specific guidance includes ensuring that court facilities comply with ADA (Americans with Disabilities Act) standards, providing assistive technologies, and training staff to assist individuals with disabilities in completing forms or navigating the courthouse. The guide also encourages staff to be patient and empathetic when interacting with users who require additional assistance.
 - **Maryland Training Material- [What Can I Do to Help You?](#):** The Maryland guide offers detailed instructions on providing accommodations for individuals with disabilities, such as offering assistance with reading or completing forms, giving accessible formats of documents, and ensuring physical accessibility in court facilities. Practical tips include proactively offering help to those needing it and ensuring that all accommodations are documented and reported as required.

5. Continuous Feedback and Improvement Loop

Establish systems for collecting feedback from court users and staff to continuously evaluate and improve the effectiveness of court services and training programs.

Collecting Feedback

Implementing simple and accessible methods for collecting feedback is key. Tools like surveys, suggestion boxes, and follow-up interviews can be used to gather insights from court users about their experiences. Similarly, staff feedback is vital for identifying areas where training or processes may need adjustment. Regular intervals should be set for collecting and reviewing this feedback to ensure that it informs continuous improvement efforts.

Incorporating Feedback into Improvements

Once feedback is collected, it's important to act on it. Training materials and court procedures should be regularly updated based on the insights gained from both staff and users. Conducting debrief sessions after training exercises allows staff to discuss what worked well and what could be improved. Involving court users in this process by asking for their suggestions can lead to valuable improvements that enhance the overall effectiveness of court services.

Court Examples:

- **California Training Material- [Guidelines for the Operation of Self-Help Centers in California Trial Courts:](#)**
 - California's guidelines stress the importance of regular evaluation to ensure that services provided by self-help centers meet the needs of court users. Each center is encouraged to annually assess the effectiveness of its service delivery methods, such as workshops, personal assistance, and online resources. The guidelines specifically suggest using tools like surveys to collect feedback and to inform improvements in service delivery. The self-help centers should also be integrated into court administration, where staff can participate in regular meetings with court officials to discuss operational improvements and share feedback.
- **Maryland Training Material- [Best Practices for Programs to Assist SRLs in Family Law Matters:](#)**
 - Maryland's guide highlights the importance of feedback collection as a means of driving continuous improvement. It suggests developing and using surveys or interviews with program users, judges, and court staff to assess program strengths and weaknesses. Regular evaluations are recommended to ensure the high quality of materials and services. These evaluations are meant to capture trends and areas needing adjustment, with specific advice on updating training materials and procedures based on the feedback received. Maryland further encourages the use of follow-up interviews and demographic surveys to assess how services are impacting users, ensuring that feedback leads to actionable improvements.

6. Additional Training Topics to Consider: Cultural Sensitivity, Stress Management, Emotional Resilience, and De-escalation Techniques

Comprehensive training programs should actively address critical skills such as cultural sensitivity, stress management, emotional resilience, and de-escalation techniques. Equipping staff with these skills enables them to interact more effectively and

respectfully with the public, manage stressful situations, and maintain a positive work environment. These training elements not only improve service delivery but also contribute to staff well-being and job satisfaction.

Cultural Sensitivity and Inclusion

Training in cultural sensitivity helps court staff interact respectfully and effectively with people from diverse backgrounds. Staff should learn to engage with users in a way that acknowledges and respects cultural differences, which includes using active listening techniques and being mindful of non-verbal communication. This training helps to ensure that all court users feel understood and respected, regardless of their cultural background.

Stress Management and Emotional Resilience

Working in a court environment can be emotionally demanding. Training in stress management and emotional resilience provides staff with practical tools to handle the pressures of their role. This includes techniques like mindfulness, deep breathing, and taking short breaks to manage stress effectively. Building emotional resilience helps staff remain calm and focused, even in challenging situations, ultimately contributing to a healthier work environment.

De-escalation Techniques

De-escalation training is essential for managing potentially volatile situations in the court setting. Staff should be trained to recognize the early signs of conflict and use techniques such as calm communication, non-threatening body language, and active listening to defuse tension. These skills are helpful to maintain a safe and peaceful environment in the courthouse.

Court Examples:

- **Cultural Sensitivity and Inclusion**
 - **Arizona [Guide to Court Customer Assistance](#)**: Arizona's guide offers practical strategies for interacting with court users in a culturally sensitive manner. It emphasizes active listening, encouraging staff to fully engage with court users by maintaining eye contact, adopting an open posture, and reflecting what the user has said to confirm understanding. The guide also highlights the importance of patience and clarifying questions to ensure that users' needs are fully understood, especially when they are unfamiliar with court procedures.

- **Stress Management and Emotional Resilience**
 - **California Training Material- [Practical Suggestions for Helping Self-Help Center Staff](#)**: This guide addresses the emotional toll on staff who handle critical matters, often involving the safety and welfare of children. It emphasizes the importance of recognizing the stress placed on staff and recommends providing downtime from emotionally taxing tasks. It also encourages staff to share difficult customer interactions with supervisors and colleagues to alleviate stress. Additionally, the guide suggests protecting staff from inappropriate behavior by court users and creating protocols to handle stressful situations, reinforcing the need for emotional resilience and support in managing workplace stress

- **De-escalation Techniques**
 - **Michigan Training Material- [De-Escalating Volatile Situations](#)**: Michigan's guide offers detailed instructions on de-escalation techniques for managing potentially volatile situations in court environments. The training emphasizes the importance of staying calm, speaking in a low and even tone, and using non-threatening body language to defuse tension. It also advises staff to recognize the signs of escalating conflict early and to employ strategies such as active listening and acknowledging the person's emotions to help de-escalate the situation.

VIII. Conclusion

In conclusion, Safe Harbor policies are critical tools that help court staff navigate the fine line between providing necessary legal information and avoiding the unauthorized practice of law. As the number of self-represented litigants increases, these policies ensure fair and consistent support for all court users. Clear guidelines, adequate notice to self-represented litigants, and comprehensive staff training are key elements that expand access to justice while preserving legal integrity. Regularly evaluating and adapting these policies within your jurisdiction are essential to addressing challenges and maintaining their effectiveness.

Appendix: Table of Safe Harbor Policies and Guidance Across the U.S.

The following table summarizes Safe Harbor policies across all 50 states and the District of Columbia. It includes information on the State, Policy or Guidance Type, Author, Policy, Document, or Webpage Title, Year Adopted or Amended, and Link to the policies.

State	Policy or Guidance Type	Author	Policy, Document, or Webpage Title	Year Adopted or Amended	Link
Alabama	Court Website	State Access to Justice Commission Website	Ways Clerks Can and Cannot Help You	PDF last modified 2013	(Link)
Alaska	Court Rule	Court Rule	Rule 43.5. Waiver to Engage in the Limited Practice of Law for Non-Lawyers Trained and Supervised by Alaska Legal Services Corporation.	(Added by S.C.O. 1994, effective November 29, 2022)	(Link)
Alaska	Court Website	Court Website	What can court staff do to help?	Website - Unknown	(Link)
Alaska	Court Website	Court Website	How can library staff help you?	Website - Unknown	(Link)
Alaska	Training Material	Alaska Court System - Administrative Office	Making the Distinction Between Legal Information and Legal Advice: A Guide for Court Employees	Updated Jan. 2014 (Alaska Court System – Administrative Office Original draft - 2001)	(Link)

Arizona	Court Rule	Court Rule	Section 1-303: Code of Conduct for Judicial Employees; RULE 2.6 Assistance to Litigants	Adopted by Administrative Order 2010-13, replacing Administrative Order No. 97-41, effective February 1, 2010. Amended by Administrative Order 2021-164, effective November 10, 2021. Amended by Administrative Order 2024-145, effective July 17, 2024.	(Link)
Arizona	Court Rule	Court Rule	Administrative Order 2023-19 Authorizing A Housing Stability Legal Advocate Pilot Program	January 2023	(Link)
Arizona	Court Website	Court Website	Court Help v. Court Advice	2020	(Link)
Arizona	Training Material	The Arizona Supreme Court Task Force on Legal Advice – Legal Information Guidelines	GUIDE TO COURT CUSTOMER ASSISTANCE Legal Advice – Legal Information Guidelines for Arizona Court Personnel	PDF last modified 2007	(Link)
Arkansas	Other Related Material	Arkansas Judiciary Website	Digest of Arkansas Decisions on the Unauthorized Practice of Law	PDF last modified 2018	(Link)
California	Court Rule	Court Rule	Rule 10.960. Court self-help centers	revised January 1, 2024	(Link)
California	Other Related Material	Judicial Council of California	Code of Ethics for the Court Employees of California	Adopted 1994/ Revised 2009	(Link)

California	State Law	State law	Family Law Facilitator Act, Family Code Sections 10000 - 10015	1997, Amended 2019, 2020	(Link)
California	State Law	State Law	California Business & Professions Code §§ 6125- 6133 -	amended 2018	(Link)
California	Training Material	Administrative Office of the Courts	Guidelines for the Operation of Self-Help Centers in California Trial Courts	February 29, 2008 Reaffirmed February 28, 2011	(Link)
California	Training Material	Form Approved for Optional Use by Judicial Council of California	Form MC-800 Court Clerk's Office: Signage	2002	(Link)
California	Training Material	Judicial Council of California/ Administrative Office of the Courts	May I Help You: A Resource Guide for Court Clerks	2003	(Link)
California	Training Material	Superior Court of California - County of Alameda Self-Help Legal Services	How to Draw the Linke Between Legal Advice and Legal Information	2006	(Link)
Colorado	Court Rule	Chief Justice Directive	Directive Concerning Colorado Courts' Self-Represented Litigant Assistance - 13-01	2013	(Link)
Colorado	Court Website	Colorado Virtual Courthouse Website	Colorado Virtual Courthouse Tour: Self-Represented Litigant Coordinator (Sherlock)	Unknown	(Link)
Colorado	Court Website	Colorado Law Help Website	Self Help Center	Unknown	(Link)
Colorado	Court Website	Fruita Municipal Court Website	What the Court Clerk Can and Cannot Assist You With	Unknown	(Link)

Connecticut	Court Rule	State of Connecticut Judicial Branch	Official 2024 Connecticut Practice Book- Superior Court—General Provisions — Sec. 2-44 A. Definition of the Practice of Law	(Adopted June 29, 2007, to take effect January 1, 2008; amended June 10, 2022, to take effect January 1, 2023.)	(Link)
Connecticut	Court Website	State of Connecticut Judicial Branch Website	Court Service Centers	Unknown	(Link)
Delaware	Court Rule	Administrative Directive of the Chief Judge of the Court of Common Pleas of the State of Delaware	No. 2006-2 Policy on Assisting Self-Represented Parties	2006	(Link)
Delaware	Court Rule	Supreme Court Rule	RULE 57.1	2022	(Link)
Delaware	Court Website	Delaware Branch Judicial Court Website	Below is a list of some things that court staff can and cannot do for you.	Unknown	(Link)
District of Columbia	Court Website	District of Columbia Courts website	Court navigator program	Unknown	(Link)
Florida	Court Rule	Court Rule	Rule 12.750. Family Self-Help Programs	Amended as of 2024 (1998 Adoption)	(Link)
Georgia	Court Rule	Council of Magistrate Court Judges	Rule 17. Clerical Assistance for Pro Se Litigants	Adopted effective February 19, 2009.	(Link)
Georgia	Court Website	Magistrate Court Fulton County, GA - Court Website	Court Resources	Unknown	(Link)

Georgia	Training Material	Council of Magistrate Court Judges	Rule 17 Appendix A. Guidelines & Instructions for Clerks Who Assist Pro Se Litigants in Georgia's Magistrate Courts	Adopted effective February 19, 2009.	(Link)
Hawaii	Court Rule	Supreme Court of Hawaii - Court Order	HI Order 170 - Order Establishing a Volunteer Court Navigator Pilot Program In The First Circuit	Adopted 2017	(Link)
Hawaii	Court Rule	Supreme Court of Hawaii - Court Order	HI Order 171 - Order Establishing a Volunteer Court Navigator Pilot Program In The Second Circuit	Adopted 2017	(Link)
Hawaii	Court Website	Hawaii State Judiciary Website	Volunteer Court Navigators at Maui District Court	Unknown	(Link)
Hawaii	Court Website	Hawaii State Judiciary Website	Self-Help Center Info and Services Provided	Unknown	(Link)
Idaho	Court Rule	Idaho Court Administrative Rule	I.C.A.R. 53. Court Assistance Services	(Adopted September 13, 2004, effective October 1, 2004; amended August 4, 2005, effective August 15, 2005.)	(Link)
Illinois	Court Rule	Illinois Supreme Court	Illinois Supreme Court Policy on Assistance to Court Users by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers ("Safe Harbor Policy")	Amended January 2024 Amended November 2018 Originally effective April 2015	(Link)
Illinois	Training Material	Illinois Courts Website	What is Legal Information? (A Guide to the Safe Harbor Policy)	Latest update 1/2024	(Link)
Indiana	Court Website	Indiana Judicial Branch Website	How court staff can and cannot assist with your case	Unknown	(Link)

Indiana	Court Website	Indiana Judicial Branch Website	Legal Information vs. Legal Advice	Unknown	(Link)
Iowa	Court Website	Iowa Judicial Branch Website	Representing Yourself – Overview	Unknown	(Link)
Kansas	Court Rule	Kansas Supreme Court Rule	Court Rule 1402 - Providing Assistance to the Public	2019	(Link)
Kentucky	Court Website	Kentucky Court of Justice Website	How a Circuit Court Clerk Can Help	Unknown	(Link)
Louisiana	State Law	Louisiana Revised Statute - Title 40	R.S. 40:1061.14	Added by Acts 1978; Redesignated from R.S. 40:1299.35.5 by H.C.R. 84 of 2015 R.S.	(Link)
Maine	Court Website	Maine District Court Website	F.A.Q.: What type of advice can the Clerk's Office personnel give?	Unknown	(Link)
Maryland	Court Website	Thurgood Marshall State Law Library Website	Guidelines for Legal Information Service to the Public	This policy approved by the Library Committee 5/6/1991	(Link)
Maryland	Other Related Material	Maryland Judiciary Administrative Office of the Courts	Best Practices for Programs Assisting the Self-Represented	2021	(Link)
Maryland	Other Related Material	Opinion of the Office of the Attorney General	Family Law - Domestic Violence - Unauthorized Practice of Law - Activities of Lay Advocates	1995	(Link)
Maryland	Other Related Material	University of Baltimore	Maryland – Court Navigator Project (University of Baltimore) – What Navigators Can and Can't Do [University of Baltimore] Curriculum 2018)	2018	(Link)

Maryland	Training Material	Maryland Judiciary Administrative Office of the Courts	What Can I Do to Help You? Distinguishing Legal Information from Advice to Better Serve the Public	Created on: 21/01/10; Modified on: 04/06/12; Sunset effective 12/31/14	(Link)
Massachusetts	Court Website	Massachusetts Court System Website	Asking for help with court matters	Last Updated: September 19, 2023	(Link)
Massachusetts	Training Material	Prepared by The Court Personnel Working Group of the Supreme Judicial Court Steering Committee on Self-Represented Litigants	Serving the Self-Represented Litigant: A Guide by and for Massachusetts Court Staff	Released June 2010	(Link)
Michigan	Court Website	Michigan Courts Website	Legal Advice Quick Reference Guide	Created 2004; Modified 2008	(Link)
Michigan	Training Material	Michigan Courts Website - <i>Endorsed by the Michigan Supreme Court</i>	Employee guide to legal advice	2016	(Link)
Minnesota	Court Rule	Court Rule	Rule 110, Self-Help Programs (Minnesota General Rules of Practice for District Courts)	Approved 2004; Updated 2024	(Link)
Minnesota	Court Website	Minnesota Judicial Branch Court Website	What Court Staff Can and Cannot Do for You	Unknown	(Link)
Mississippi	Training Material	Mississippi Access to Justice Commission	Cans and Cannots for Clerks and Court Staff in Mississippi	PDF last Modified 2019	(Link)

Missouri	Court Website	Missouri Courts Judicial Branch Website	Court Staff Assistance	Unknown	(Link)
Montana	Court Website	Montana Judicial Branch Website	Going It Alone: Should I Represent Myself	PDF last modified 2015	(Link)
Montana	Court Website	Montana Judicial Branch Website	Montana Supreme Court: Court Help Program - Brochure	PDF last Modified 2022	(Link)
Nebraska	Training Material	Nebraska Supreme Court – Self Represented Litigants Committee	Working with Pro Se Litigants- A Manual for Nebraska Court Employees	April 2008	(Link)
Nevada	Training Material	Administrative Office of the Courts and the Nevada Supreme Court Commission on Law Libraries	May I Help You: A Resource Guide for Court Employees and Law Librarians	PDF last Modified 2007	(Link)
New Hampshire	Court Website	New Hampshire Judicial Branch Website	Contact a Court	Unknown	(Link)
New Jersey	Court Website	New Jersey Courts Website	Things to think about before you represent yourself in court	Revised 2008	(Link)
New Mexico	Court Rule	Supreme Court of New Mexico	NO. 22-8500-036 In The Matter of Expansion of the Scribing Program to Permit Court Staff to Assist Eligible Self-Represented Litigants with filling Out Court Forms	November 2022	(Link)
New Mexico	Court Website	New Mexico Judicial Branch Website	If You Don't Have a Lawyer (F.A.Q.s)	Unknown	(Link)

New York	Court Website	New York State Courts Website	How the Clerk's Office Can Help	Last updated 2014	(Link)
North Carolina	Other Related Material	UNC School of Government	Staff Training Presentation: Legal Advice vs. Legal Information	2015	(Link)
North Dakota	Court Website	North Dakota Court Website	What the Legal Self-Help Center Can & Can't Do for You	Unknown	(Link)
Ohio	Court Website	Supreme Court of Ohio website	Representing Yourself in Court: A Citizens Guide	Updated 2022	(Link)
Oklahoma	Training Material	Oklahoma Dept of Libraries and Access to Justice Foundation	Legal Information for Oklahoma	Unknown	(Link)
Oregon	Court Website	Oregon State Court - Clackamas County - Website	Legal Information (Not Legal Advice)	Unknown	(Link)
Oregon	State Law	Oregon Revised Statute	ORS 9.160	Current as of 2024	(Link)
Pennsylvania	Court Website	Eastern District of Pennsylvania Court Website	Pro Se / Self Representation	Unknown	(Link)
Rhode Island	Court Website	Rhode Island Judiciary Website	Your Day in Court	Unknown	(Link)
South Carolina	Court Website	South Carolina Judicial Branch Website - Access to Justice Commission	Welcome to the South Carolina Court - A List of Some Things the Court Staff Can and Cannot Do	PDF last updated 2022	(Link)

South Dakota	Court Website	South Dakota Legal Self-Help Website	How Court Staff Can and Cannot Assist with Your Case	Unknown	(Link)
Tennessee	Training Material	Tennessee Supreme Court Access to Justice Commission	General Guidelines for Distinguishing Legal Information from Legal Advice	PDF Created 2013	(Link)
Tennessee	Training Material	Tennessee Supreme Court	Guidelines for Tennessee Court Clerks Who Assist Self-Represented Persons	PDF Created 2011	(Link)
Texas	State Law	State law	Sec. 81.1011. State Bar Act. Subchapter G. Unauthorized Practice of Law	Added by Acts 1987, 70th Leg., ch. 148, Sec. 3.01, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 799, Sec. 1, eff. June 18, 1999	(Link)
Texas	Training Material	Texas Office of Court Administration	Legal Information vs. Legal Advice	2015	(Link)
Texas	Court Rule	Proposed Court Rule	Misc. Docket No. 24-9050 - Preliminary Approval of Rules Governing Licensed Legal Paraprofessionals and Licensed Court-Access Assistants	2024	(Link)
Utah	Court Rule	Court Rule	U.C.J.A. Rule 14-802 (Code of Judicial Administration)	Effective: 1/5/2023	(Link)
Utah	Court Rule	Court Rule	Utah Supreme Court Standing Order No.16 – Authorizing a Housing Stability Legal Advocate Pilot Program	March 2023	(Link)

Utah	Court Rule	Court Rule	Utah Supreme Court Standing Order No. 15	Effective as of August 14, 2020 (Amended June 3, 2021) (Second Amendment September 21, 2022).	(Link)
Vermont	Court Website	Vermont Judiciary Website	Finding Legal Help	Unknown	(Link)
Virginia	Court Website	Virginia Access to Justice Commission Website	Virginia Judicial System Court Self-Help: How We Can Help You	Website last updated 2017	(Link)
Washington	Court Rule	Court Rule	General Rule 24 (b)(2) and (b)(10), Definition of the Practice of Law	[Adopted effective September 1, 2001; Amended effective April 30, 2002; October 7, 2020; June 27, 2023.]	(Link)
Washington	Court Rule	Court Rule	Apr 28 – Limited Practice Rule for Limited License Legal Technicians	[Adopted effective September 1, 2012; Amended effective August 20, 2013; February 3, 2015; June 21, 2016; September 1, 2017, June 4, 2019; January 1, 2023; June 27, 2023; January 23, 2024.]	(Link)
West Virginia	Other Related Material	West Virginia Supreme Court - Case Law	State v. Walters, 186 W. Va. 169, 411 S.E.2d 688 (W. Va. 1991)	1991	(Link)
Wisconsin	Court Website	Wisconsin Court System Website	Self-help Law Center: How the courts work	Unknown	(Link)
Wisconsin	Court Rule	Court Rule	S.C.R. Chapter 70 Rules Of Judicial Administration- 70.41	Document Modified 2020	(Link)

Wyoming	Court Website	Equal Justice Wyoming Website	About Court Clerks: Representing Yourself	Unknown	(Link)
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