



The Art of the Legal Reference Interview

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The most important asset of any library
goes home at night—the library staff.

—Timothy Healy

What is a Legal Reference Interview?

The Legal Reference Interaction

Distinguishing Between Information and Advice

Rephrasing the Question

Maryland Public Library Toolkit

www.mdcourts.gov/lawlib



Distinguishing Between Information and Advice

“There’s never been a case where someone sued a library or a librarian because they thought they were getting faulty legal advice or they did what the library said and lost their case; that’s never happened. But because it could happen, that’s what freaks a lot of librarians out,”

—Avoiding the Unauthorized Practice of Law by Brandi Scardilli Information Today; Oct2014, Vol. 31 Issue 8, p1-25, 3p



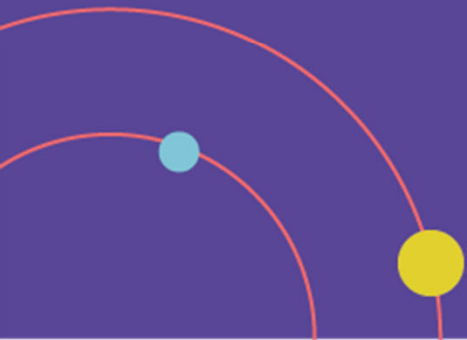
Reference Behaviors

- Be kind and approachable.
- Keep an open mind; don't judge.
- Listen patiently.
- Admit to ignorance.
- Apply your searching skills.
- Remember that a referral is an excellent information resource.



Practice Tips for Legal Reference

- Always start with what you CAN do, not with what you can't
- Set reasonable limits on what you can provide.
- Draft sample scripts so you can respond quickly and calmly.
- Remind yourself that it's okay not to solve someone's problems.





The Legal Reference Interview is
ESSENTIAL

Don't Forget to Ask....

Who?

Parties

- Applicable law
- Available legal services
- Using the “who?” question to fill in the blanks



Who?

Case Information

Court System: District Court For Anne Arundel County - Civil

Location: Glen Burnie

Case Number:

Title:

Case Type: Tenant Holding Over

Filing Date: 07/18/2013

Case Status: Closed

Don't Forget to Ask...

What?

Rephrase

- What is the patron really asking?
- Drill down the question to figure out how we can help them.



What?

Legal Reference for Public Libraries: Rephrasing the Question

When a patron asks a question that, taken as phrased, appears to request a legal opinion, your initial reaction might be to step back from that question, to respond with standard "we are not lawyers" patter, to raise a barrier so as not to venture into the area of unauthorized practice of law. However, take a second look at the question, and you might find that, under the need for legal advice is a basic though unrecognized need for legal information. And information, legal or otherwise, is a library's specialty.



<https://mdcourts.gov/lawlib/using-library/for-librarians/legal-reference-training/PLR-rephrasing-the-question>

Don't Forget to Ask...

Where?

Venue/Jurisdiction/Referrals

- Which state, county, city?
- Which court?
- Possible referrals for assistance



Where?

Which state, county, city?



- Bankruptcy: **Federal**
- Family Law is usually on the **state** level
- Landlord/Tenant can be **state** and **local**
- Traffic: **Federal, State**, some **local**
- Zoning: usually **local**

Where?

Which court?

- District: Traffic, Landlord/Tenant, Misdemeanors, Small Claims
- Circuit: Jury Trials, Major Crimes, Civil Actions (Large Claims) and Family Law
- Appeals:
 - Court of Special Appeals is the intermediary appellate court
 - Court of Appeals is the state's Supreme Court
- Orphan's Court: Estates and Guardianship

<https://mdcourts.gov/courts/about>



Where?

Possible referrals for assistance

- Debtor's Assistance
- Family Law Center
- District Court Self Help Center
- Self Help Center
- Register of Wills Website
- Not many assistance programs for criminal or appellate
- Expungement is considered a civil process...Self Help Center
- Local Law Library

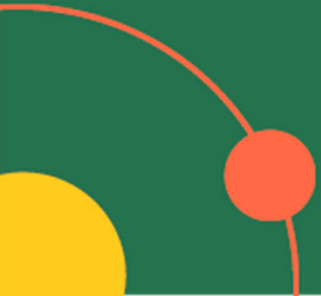


Don't Forget to Ask...

When?

Effective Date

- Effective Date
 - Law in effect on the date of the incident
- Which form to use



When?

[Home](#) » [Estates and Trusts](#) » [Title 12. Effective Date and Applicability](#)

Subtitle 1—Effective Date and Application

[MD Est & Trst T. 12, Subt. 1, Refs & Annos](#)

[§ 12-101. Effective Date of Estates of Decedents Law](#)

[§ 12-102. Application of Estates of Decedents Law Article](#)

[§ 12-103. Application of Former Statutes](#)

§ 12-103. Application of former statutes

Currentness

Except as otherwise provided in this title, the administration on or after July 1, 1974 of estates of persons who died before July 1, 1974 shall be governed by those statutes in effect before July 1, 1974, and the administration on or after January 1, 1970 of estates of persons who died before January 1, 1970 shall be governed by those statutes in effect before January 1, 1970.

When?

Petition for Expungement of Records - Acquittal, Dismissal, etc.



CCDCCR072A.PDF

Last Revised: 12/2018

Copies to Court: 5

Form

Type: Criminal

Courts: Circuit, District

Languages: English

<https://mdcourts.gov/courtforms>

MARYLAND JUDICIARY

☐ CIRCUIT COURT ☐ DISTRICT COURT OF MARYLAND FOR _____

Located at _____ Case No. _____ City/County _____

Tracking # _____

STATE OF MARYLAND VS. _____

PETITION FOR EXPUNGEMENT OF RECORDS
(ACQUITTAL, DISMISSAL, PROBATION BEFORE JUDGMENT, NOLLE PROSEQUI,
STET, NOT CRIMINALLY RESPONSIBLE, OR TRANSFER TO JUVENILE DISPOSITION)

(In this petition, references are to the Annotated Code of Maryland, and references to "crime", "criminal action", and "civil offense or infraction" refer to any criminal or civil offense, other than a violation of the vehicle or traffic laws, ordinances, or regulations, that does not carry a possible sentence of imprisonment.)

1. (Check one of the following boxes) On or about _____, I was ☐ arrested, ☐ served with a summons, or ☐ served with a citation by an officer of the _____, Maryland, as a result of the following incident _____

2. I was charged with the offense of _____

3. On or about _____, the charge was disposed of as follows (check all that apply, making sure that each statement is true and correct):

☐ I was **acquitted** of the charge. Either three (3) years have passed since the acquittal, or a General Waiver and Release is attached.

☐ the charge was otherwise **dismissed or quashed**. Either three (3) years have passed since that disposition, or a General Waiver and Release is attached.

☐ a **probation before judgment** was entered on the charge, but the **conduct on which the charge was based is no longer a crime**.

☐ a **probation before judgment** was entered on the charge, and the **conduct on which the charge was based still is a crime**. The charge did not allege a violation of Transportation Article, § 21-902; Criminal Law Article, §§ 2-503, 2-504, 2-505, or 2-506; Criminal Law Article, § 3-211; or former Article 27, § 388A or § 388B. Either (a) at least three (3) years have passed since that disposition, or (b) I have been discharged from probation, whichever is later. Except for any conviction of a charge where the conduct on which the charge was based is no longer a crime, I was not convicted of any crime during the three-year period immediately following entry of the probation before judgment. I am not now a defendant in any pending criminal action.

☐ a **nolle prosequi** was entered. Either three (3) years have passed since that disposition, or a General Waiver and Release is attached. I am not now a defendant in any pending criminal action.

☐ a **stet** was entered. Three (3) years have passed since that disposition. I am not now a defendant in any pending criminal action.

☐ I was found **not criminally responsible** for a crime specified in Criminal Procedure Article, § 10-105 (a)(9) or (a)(10). Three (3) years have passed since the finding of not criminally responsible. I am not now a defendant in any pending criminal action.

4. ☐ The case was **compromised or dismissed** pursuant to Criminal Law Article, § 3-207, former Article 27, § 12A-5, Article 10, § 37. Three (3) years have passed since that disposition.

5. ☐ The case was **transferred** to the juvenile court pursuant to Criminal Procedure Article, §§ 4-202 or 4-202.2. (Note: This petition must be filed in the court that issued the order of transfer. The expungement is only of the records in the criminal case, not the records in the juvenile court. See Criminal Procedure Article, § 10-106.)

6. ☐ The case began in one court and was **transferred** to another court other than the juvenile court. (Note: This petition must be filed in the court to which the case was transferred.)

I request the court to enter an Order for Expungement of all police and court records pertaining to the above arrest, detention, confinement, and/or charges.

I solemnly affirm under the penalties of perjury that the contents of this petition are true to the best of my knowledge, information, and belief, and that the charge to which this petition relates was not for any nonincarcerable violation of the vehicle laws of the State of Maryland, or any traffic law, ordinance, or regulation, nor is it part of a unit the expungement of which is precluded under Criminal Procedure Article, § 10-107.

Signature of Attorney _____ CPT ID No. _____ Date _____

Printed Name _____

Address _____

City, State, Zip _____ Telephone _____

Writing _____ Fax _____

Signature of Defendant _____ Date _____

Printed Name _____

Address _____

City, State, Zip _____ Telephone _____

E-mail _____ Fax _____

CC-DC-CR-072A (Rev. 12/2018)

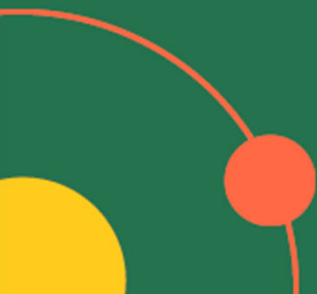
Reset

When?

§17-203. ** TAKES EFFECT OCTOBER 1, 2020 PER CHAPTER 435 OF 2019 **

“MARYLAND STATUTORY FORM LIMITED POWER OF ATTORNEY

PLEASE READ CAREFULLY



Don't Forget to Ask...

Why?

- Our role is to listen to the patron and provide information resources
- Don't pass judgment
- Don't need the extra details



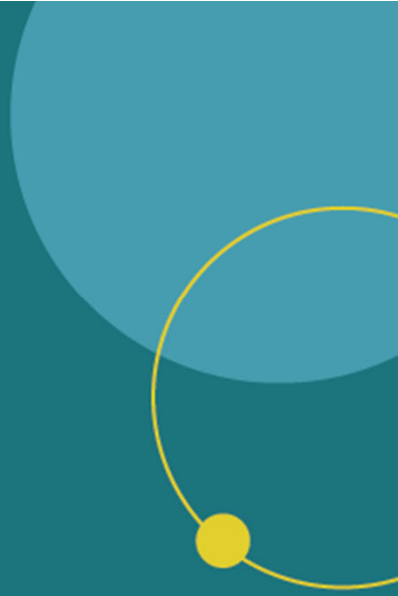
Don't Forget to Ask...

How?

- How can you help? Information vs Advice.

Please be aware that, as librarians, we can point you to information about your topic, and to locations where you may be able to get legal assistance. Only an attorney can give you legal advice or suggest what to do in a legal situation.

Let's Practice!



Are you asking the right questions?

good morning. i have a court date set in november, to gain sole physical custody of my son. my son's father was served the papers, but he still wants to spend time with him. he agreed to return my son to me on last sunday. He isn't trying to return him to me, what can i legally do, to get my son back

good morning. i have a court date set in november, to gain sole physical custody of my son. my son's father was served the papers, but he still wants to spend time with him. he agreed to return my son to me on last sunday. He isn't trying to return him to me, what can i legally do, to get my son back

Are you providing relevant information?

If there is an existing child custody agreement, **you may wish to** review the Child Custody in Maryland page, <https://www.peoples-law.org/child-custody-Maryland>, in particular When the Custody Order Agreement is Violated, <https://www.peoples-law.org/child-custody-maryland#order-violation>

If there is not yet an agreement or for further guidance most Circuit Courts in Maryland have family law assistance programs, including self-help centers staffed with attorneys who provide walk-in services. Information is available on the Maryland Courts website at: <https://www.mdcourts.gov/family/familylawassistance>

More examples: Dates

It looks to me as if the pdf document providing a form for the Maryland Statutory Powers of Attorney actually contains 2 forms: one that is in effect now, and one, beginning at the bottom of page 9, that takes effect in October of 2020.

Question:

- 1) Does the pdf, in fact, contain 2 forms? and
- 2) Should the top for be used now (Sept. 2019)?
- 3) If the top form is used, will it be outdated as of October 2020?

More examples: Contracts

If I sign a contract or make an order on line to purchase some furniture, and then decide I don't want the furniture may I cancel the contract within a certain amount of time ?

If I sign a contract or make an order on line to purchase some furniture, and then decide I don't want the **furniture** may I cancel the contract within a certain amount of time ?

More examples: Contracts

Three-Day Cooling off Period – People often think that all contracts allow a three-day cooling off period to cancel. In most cases, there is no cooling off period after signing a contract. There are a few exceptions.

- Door-to-Door Sales Act
- Cancel within three days: i health clubs, credit service centers, self-defense school or weight loss center
- Right to cancel a contract for a timeshare, and vacation club extends to 10 days after you sign

<https://www.peoples-law.org/contracts>

More examples

If I sign a contract or make an order on line to purchase some furniture, and then decide I don't want the furniture may I cancel the contract within a certain amount of time ?

If I sign a contract or make an **order on line** to purchase some furniture, and then decide I don't want the furniture may I cancel the contract within a certain amount of time ?

More examples

Certain types of sales can't be canceled, even if they take place in places normally covered by the Rule. The Cooling-Off Rule does not cover sales that are:

- under \$25 for sales made at your home;
- under \$130 for sales made at temporary locations;
- for goods or services not primarily intended for personal, family or household purposes. (The Rule applies to courses of instruction or training.);
- made entirely online, or by mail or telephone;
- the result of prior negotiations at the seller's permanent place of business where the goods are sold regularly;
- needed to meet an emergency;
- made as part of your request for the seller to do repairs or maintenance on your
- personal property (purchases made *beyond* the maintenance or repair request *are* covered).

<https://www.consumer.ftc.gov/articles/0176-buyers-remorse-when-ftcs-cooling-rule-may-help>

More examples: Lemon Law

I brought a car not even 30 days ago the car was giving me problems I reached out to the guy who I purchased the car from he is not trying reach back out or respond I had 3 different people look at my car because he insists nothing is wrong with it come to find out it needs a new engine and he is not trying cooperate or help me fix the car I just brought from him

Where did you buy the car? When was the car manufactured? How miles are on the vehicle?

More examples: Lemon Law

When does Maryland's Lemon Law apply?

Maryland's Lemon Law applies if:

1. You buy or lease a car, light truck or motorcycle from a dealer or manufacturer; and
2. The vehicle is registered in Maryland; and
3. The vehicle has been driven less than 18,000 miles AND has been owned for less than 24 months.

Even if you aren't the first owner, the Lemon Law might apply to your vehicle if the first owner bought the vehicle less than 24 months ago and the vehicle has been driven less than 18,000 miles.

<https://www.peoples-law.org/index.php/marylands-lemon-law>

More examples: Which court?

Can I use "Post-Judgement Collection" to collect a Harford County **Circuit Court** Ordered Judgement?

The booklet say "How to collect your judgement in the **District Court of Maryland**" - seems to be specific to "district" court??

I went to the **small claims court** on 8/2/2019 as a Plaintiff.

I lost.

I like to appeal the decision.

My question is that the **30 days given to appeal a court decision** does it include all the days (weekends and official holidays) **or the business days only?**

In **bankruptcy** cases does a Judge have to approve an agreed order before for it to become legally binding to the two parties



Thank you!

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