

Why can't the court give me legal advice?



Because the Bankruptcy Court is required by law to remain *neutral*, it cannot provide legal advice to any party coming before it. Therefore, employees are happy to provide legal information, but must refrain from providing legal advice. What is the difference?

Legal information are all “destinations” you can choose from, and all “routes” you can take to reach that destination.

Legal advice is which “destination” you should choose and which “route” you should take to get there.

Legal Information v. Legal Advice

Legal Information

Legal information can be freely given by the court. It is a statement of the law or fact as it applies to *everyone*. This includes things such as:

- ❖ The types of proceedings that a party may initiate (e.g. Chapter 7 and Chapter 13 bankruptcy proceedings)
- ❖ Claim information, such as:
 - ❖ **What is a claim?** – A claim is a formal pleading that can be filed by your creditor(s) asserting that you owe them money, and how much is owed.
 - ❖ **What is a creditor?** – A creditor is a person or entity to whom you owe money. For example, a friend, family member, credit card company, utility company, etc.



Legal Advice

Legal advice is an explanation of the law as it applies to a specific set of facts. Unlike legal information, this *cannot* be freely given by the court. Legal advice includes topics such as:

- ❖ When you should take legal action
- ❖ Where you should take legal action
- ❖ How legal action will impact your rights and responsibilities

Frequently Asked Questions:

- ❖ What do I need to fill out schedules and how do I do it?
- ❖ What debts can I include on schedules and where do they go?
- ❖ Which chapter saves my house and stops foreclosure?

Who can give legal advice?

- ❖ Generally, legal advice can only be given by a licensed attorney.

Where can I find an attorney?

- ❖ If you need help locating an attorney, you may visit www.bamsl.org and click on “For the Public” to “Find a Lawyer”, to learn about the St. Louis Bankruptcy Pro Se Assistance Program (a free legal clinic), schedule a free telephone consultation with a licensed attorney, and to access other resources!

