

UNAUTHORIZED PRACTICE OF LAW

AND HOW IT CAN IMPACT YOUR FAMILY LAW CASE



What is the Unauthorized Practice of Law, and How Can It Impact your Family Law Case?

Family Law is a specialized area of law. If you have a situation involving the family law courts, it is important to understand your rights and follow Michigan court rules. However, many people believe that hiring a lawyer is too expensive, so they look for other options for legal services.

When a person who is not a licensed lawyer offers to provide advice and to write legal documents for another person, that is the unauthorized practice of law, and it is illegal. Only licensed lawyers can provide legal advice or write legal documents for others, and only licensed lawyers can assist you in a court hearing. If you rely on the advice of someone who is not a lawyer to help you with your family law case, you could be risking your legal rights, and it may create situations that are difficult to change or correct.

This booklet covers some of the issues that can come up in the family court setting, as well as the risks of using the services of someone who is not a lawyer. It also includes resources where you can find free or low-cost services and court forms.

Handling a Legal Case Without a Lawyer Can Be Difficult and Risky

It is against the law for someone who is not a licensed attorney to represent you in court or to give you legal advice. It can be risky to participate in court proceedings without a lawyer when dealing with custody, parenting time (visitation), or other family law issues. Although you can represent yourself in a family law case, trying to handle a court case on your own without the help of a lawyer can be difficult. If you represent yourself, you will be required to follow the same court rules and procedures that lawyers have to follow. If the other person in the case is represented by a lawyer, you may be at a great disadvantage.

If you choose to handle a family law case yourself, you should be aware that there can be serious consequences if you make decisions without being fully aware of your rights and responsibilities under the law. For example, a court order, such as a custody or parenting time (visitation) order, can have

a lifelong impact on your family and may be very difficult to change once it is in place.

If you have a family law issue, consider talking to an attorney before making any decisions regarding your situation. This approach can help you decide how best to move forward in your case. An initial consultation with a lawyer is usually affordable, and some lawyers will even provide a free consultation. If you decide to represent yourself, there may be some lawyers who will provide limited levels of legal help for a smaller fee (this is called limited scope representation).

There is no substitute for getting help from a licensed attorney. The resources in this booklet can help you to understand your options, as well as your rights—and how to protect them.

What Issues Fall Under “Family Law”?

When this booklet talks about “family law” issues, these are the types of cases that usually are in that category:

- Divorce
- Child Custody and Parenting Time (Visitation)
- Child Support
- Spousal Support (Alimony)
- Domestic Violence
- Adoption and Surrogacy*
- Emancipation*
- Child Protection*
- Marriage and Annulment
- Property Division
- Paternity
- Guardianships*
- Name Changes*
- Pregnancy related issues*
- Prenuptial and Postnuptial

* These matters typically fall within the jurisdiction of Probate Court

Free or Low-Cost Resources for Family Law and Related Matters

michiganlegalhelp.org

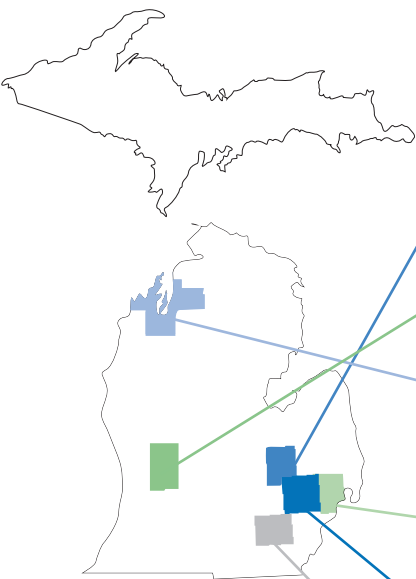
Michigan Legal Help is a website that helps people handle simple legal problems, including some family law matters, without a lawyer. The website features articles and toolkits that can help you prepare to represent yourself in court. Michigan Legal Help does not provide legal advice and is not a substitute for having a lawyer.

Self-Help Legal Centers

A self-help legal center provides legal information and resources to assist people who represent themselves. Services are usually free. People staffing a self-help legal center are not lawyers, but they are supervised by a lawyer. They are trained to provide legal information only, and not legal advice. Only a lawyer can give you legal advice. For information about self-help legal centers throughout Michigan, go to www.michiganlegalhelp.org/organizations-courts/self-help-centers

Lawyer Referral and Information Services (LRIS or LRS)

Many bar associations have Lawyer Referral and Information Services, programs that provide people with the names and contact information of licensed lawyers. Some services may arrange for a consultation with a lawyer at a reduced fee. They may also provide basic information and other helpful resources.



State Bar of Michigan

Statewide Assistance

(800) 968-0738

lrs.michbar.org/LRS-Info/Lawyer-Referral-Service



Genesee County Bar Association

(810) 232-6000

gcbalaw.org/page.cfm?pageid=45



Grand Rapids Bar Association

(616) 855-0273

grbar.org/?pg=67



Grand Traverse-Leelanau-Antrim Bar Association

(231) 922-4715

gtlaba.org/attorney-directory



Macomb County Bar Association

(586) 468-8300

macombbar.org/find-a-lawyer/



Oakland County Bar Association

(248) 338-2100

ocba.org/?pg=findalawyer



Washtenaw County Bar Association

(734) 996-3229

washbar.org/public/lawyer-referral-information-service-lris/

Legal Aid Programs

Legal aid programs provide free civil legal help to low-income residents.

Please be aware that to qualify for legal aid, you will need to meet certain financial criteria.

Legal Services of Eastern Michigan

(888) 783-8190

lsem-mi.org

Legal Services of South Central Michigan

lsscm.org

Washtenaw County

(888) 665-6181

(734) 665-6181

Family Law Project

Washtenaw County Domestic

Violence Cases Only

(734) 998-9454

Battle Creek

(800) 688-3951

(269) 965-3951

Jackson

(517) 787-6111

Lansing

(888) 783-8190

Monroe

(888) 251-1598

(734) 241-8310

Farmworker Legal Services

(269) 492-7190

Lakeshore Legal Aid

(888) 783-8190

lakeshorelegalaid.org

Legal Aid of Western Michigan

lawestmi.org

Mason, Lake, Osceola, Oceana, Newaygo, and Muskegon counties

(800) 968-4887

(231) 726-4887

Mecosta, Kent, Montcalm, and Ionia counties

(800) 442-2777

(616) 774-0672

Ottawa and Allegan counties

(800) 681-8016

(616) 394-1380

Van Buren, Kalamazoo, St. Joseph, and Cass counties

(800) 819-0773

(269) 344-8113

Berrien County
(800) 310-2798
(269) 983-6363

Legal Services of Northern Michigan

lnm.org/contactinformation.html

Alpena
(888) 356-9009
(989) 356-9081

Escanaba
(888) 786-2303
(906) 786-2303

Gaylord
(888) 645-9993
(989) 705-1067

Houghton
(888) 482-2343
(906) 482-3908

Marquette
(888) 228-5590
(906) 228-5620

Sault Ste. Marie
(888) 632-9313
(906) 632-3361

Traverse City
(888) 941-9599
(231) 941-0771

Frequently Asked Questions

What is the unauthorized practice of family law?

When a person or company says or does something for another person that includes making decisions about another's legal issues, that is the practice of law. Only a licensed lawyer may practice law in Michigan. If a person or company attempts to make legal decisions for you, including drafting legal papers for you or appearing in court for you on family law issues, and they are not a licensed lawyer, that is the unauthorized practice of family law.

Who is a licensed lawyer?

A licensed lawyer is a person who is licensed to practice law in the state of Michigan. This means that the lawyer is an active member of the State Bar of Michigan who is in good standing. A lawyer licensed in another state may also be able to obtain permission to practice in Michigan. You can verify a Michigan lawyer's license through the State Bar's online directory at michbar.org/directory or by calling the State Bar of Michigan at (800) 968-1442.

What is Limited Scope Representation?

Limited Scope Representation (LSR) refers to lawyers providing legal services for only part of the case or matter rather than the entire case or matter. Both you and the lawyer must agree that limited services will be provided. For people representing themselves, LSR can include legal advice, coaching, and document preparation or review. LSR lawyers can also be used to mediate conflicts, negotiate settlements, or make limited appearances in court.

Can I represent myself?

Yes. There is no requirement to have a lawyer in a family law case. You can represent yourself, but it can be very difficult for people who are not lawyers to understand the court system and how to fully protect their rights. Even experienced lawyers who do not regularly practice family law may not know the key areas of the law, understand how the family law court system works, or understand the issues and risks involved. If you represent yourself, you will be required to follow the court procedures, laws and court rules that licensed lawyers

What is the Friend of the Court?

The Friend of the Court (FOC) assists the court with custody, parenting time (visitation), and support issues. The FOC office is administered and regulated by the Michigan Supreme Court. Among other things, the FOC:

- Investigates and makes recommendations about custody, parenting time (visitation), child support, spousal support (alimony) and medical support
- Helps parents settle disputes during and after their case
- Makes sure parents obey court orders about custody, parenting time (visitation), and child support Provides court forms for some family law issues. You don't need a lawyer to use these forms.

You can find more information about the FOC at <https://courts.michigan.gov/Administration/SCAO/OfficesPrograms/FOC/Pages/default.aspx>.

Where can I find forms used by the Friend of the Court?

Forms used by the FOC are available at courts.michigan.gov/Administration/SCAO/Forms/Pages/search-for-a-form.aspx and you can also request them at your local Friend of the Court, though their office might not have all forms.

Do all Friend of the Court offices follow the same process?

No. Specific procedures are established by local Friend of the Court offices and may vary. Any questions regarding local procedures or requirements may be discussed with your local Friend of the Court or with a lawyer.

Is there any place I can get free legal help?

Yes, there are organizations that offer legal services at no or low cost if you meet certain income limits. See pages 6 and 7 for a list of organizations. These organizations have limited resources and may apply strict income limitations.

There are also websites that have information about family law issues and toolkits that can be helpful if you represent yourself. See page 4.

How can I find the Michigan court rules?

The Michigan court rules are available online for free at the Michigan One Court of Justice website, courts.michigan.gov. If your local courthouse has a law library, a printed version of the court rules may be available for your use there.

Should I pay for court forms?

No! You should not pay for court forms. Most forms can be picked up at the Court Clerk's Office or the Friend of the Court, though they may not have all forms. The Michigan Supreme Court has forms online at courts.michigan.gov that can be printed for free.

Should I pay a non-lawyer to help me complete court forms?

You should be very cautious about paying a non-lawyer to help you complete court forms. Although it is okay for a non-lawyer to type the information you provide into a form, any non-lawyer who drafts legal papers or gives legal advice may be guilty of the unauthorized practice of law. A non-lawyer cannot select the form for you, tell you if you have prepared the form correctly, or even confirm whether you have provided the correct information.

Please consider talking with a lawyer before paying any money to a non-lawyer to help you fill out forms. You may actually save money and avoid paying for forms you do not need or that do not meet court rules.

are required to follow, even though you are not a lawyer. The judge and other court employees cannot provide legal advice or tell you how to handle your case. Because it can be very hard to represent yourself, you should talk to a lawyer about your family law issue before making any decision to act as your own lawyer.

Can a paralegal assist me?

A paralegal cannot practice law and cannot give you legal advice. The only people who can draft legal documents for other people or give legal advice are licensed lawyers. You should be very cautious about hiring a non-lawyer such as a paralegal; any non-lawyer who drafts legal papers or gives legal advice may be guilty of the unauthorized practice of law. A paralegal can type information you provide onto court forms, but cannot select the form for you, tell you if you have prepared the form correctly, or confirm whether you have provided the correct information. There are many places where you may be able to get legal help for free or for a low cost rather than hiring a paralegal. See pages 6 and 7 of this booklet.

Can a court clerk give me legal advice?

No. Only a licensed lawyer can give legal advice. The court clerk may be able to provide you with information about court procedures, such as what day a judge might have hearings, but they cannot give you legal advice or information about how to handle your case. The court clerk cannot tell you which forms you need to use for your case.

What does self-help mean?

Self-help refers to the things you can do on your own in your family law case. You can represent yourself, but that can be very difficult for someone who is not a lawyer.

If you want a lawyer to represent you in your family law case but cannot afford to hire one, you should contact one of the legal service organizations listed on pages 6 and 7 of this booklet to find out if you qualify for free or low-cost legal services.

If you cannot afford to hire a lawyer and do not qualify for free or low-cost legal services, there are resources listed on page 4 where you can find information about family law issues, toolkits and other resources that you can use to help you represent yourself in court.



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