

# Responding to Questions from Citizens about Civil Disputes

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**“Ask the Magistrate”**

## GUIDING PRINCIPLES

- Provide information, but don't give advice.
- Be certain that the information you provide is accurate.
- Translate! What is the person really asking?
- Use written information when you can.
- Develop standard oral answers to FAQs.

➤ *Provide information, but don't give advice.*

“My landlord has turned off my power. I have 3 kids at home and no power! Can he do that?”

\_\_\_ “No. He's breaking the law by doing that, and he could get in a lot of trouble.”



Temptation Alert! It can be easy to mistake legal advice for legal information when the correct advice is obvious to you.

\_\_\_ “It depends. Have you been paying your rent?”

\_\_\_ “There is a law that says landlords are not allowed to turn off the power as a way to evict tenants. I can’t talk about your case specifically—the law prohibits me from giving legal advice, and anyway I don’t know enough about the situation to even talk about it. What I CAN do, and am happy to do, is to give you the telephone number for Legal Aid [give you a website that will inform you about your rights as a tenant] [give you a number to call about finding emergency housing], etc.”

➤ *Be certain that the information you provide is accurate.*

“I let this guy move his trailer on some land I had, and when I told him I needed him to find somewhere else to live, he just left. Now I’m stuck with this stinking trailer, costs more to move than it’s worth. What am I supposed to do with it?”

\_\_\_ “How long ago did he leave? Cause if it was a long time ago, it may be abandoned property, and you can do whatever you want to with it.”

\_\_\_ “How long ago did he leave? Cause he’s got sixty days before the law requires him to move it.”

\_\_\_ “If you call the city, they’ll take care of it for you.”

\_\_\_ “I don’t know the answer to that question, sir. You’re in need of legal advice, and I’m afraid only an attorney can help you with that.”

➤ *Translate! What is the person really asking?*

“My tenant moved out with two weeks left to go on the lease. Can I go in and look around to check on damages and get it ready to rent?”

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*“My neighbor killed my dog. Can I sue him for that?”*

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➤ *Use written information when you can.*

“I came to court and got my tenant evicted, but when he moved out, he left a bunch of stuff on the premises. I think most of it is garbage, but some of it is old furniture and a little refrigerator and stuff like that. I don’t know where the tenant went to. What am I supposed to do with all this stuff?”

Hand the citizen a copy of “Legal Issues Related to Tenant’s Personal Property,” and say “This is a copy of some information I received in training about the law related to your question. I’m not sure whether it’s still current, but perhaps it will at least give you a place to start if you want to research the law without hiring a lawyer.”

If you don’t have a copy of “Legal Issues Related to Tenant’s Personal Property,” you can find one by going to

[www.ncmagistrates.unc.edu](http://www.ncmagistrates.unc.edu)

Click on “Recent Training Events,” then on “Basic School for New Magistrates—Summer 2011,” then on “Notebook-Week 1-Civil” (printer-friendly version), and, finally, go to page 177 of the notebook.

➤ *Develop standard oral answers to FAQs.*

“I took my car to this garage to get it worked on, and when I went to pick it up, the guy said he wouldn’t give it to me until I paid the \$3000 repair bill. Is that legal? Can I just go get in it and drive it off?”

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