

The background features a large, faint watermark of the Wisconsin State Law Library logo. The logo is circular and contains the text "Wisconsin State Law Library" around the top edge and "Est. 1830" at the bottom. In the center is a stylized tree or floral emblem.

It's a Trap!
How to Avoid Giving Legal Advice in Reference Services

Carol Hassler, Web Services Librarian
carol.hassler@wicourts.gov
Wisconsin State Law Library

**A long time ago in a
library far,
far away...**





What types of legal research questions do your users ask?

Wisconsin Legal Research




Wisconsin Legal Research



Patricia Cervenka
Leslie Behroozi

- Research process
- Secondary and practice resources
- Wisconsin Constitution
- Statutes and court rules
- Wisconsin administrative code
- Judicial opinions and case law
- Legislative history
- Legal citation



A woman with dark hair in a bun, wearing a white, off-the-shoulder top, is shown in profile. She is holding a glowing blue lightsaber. The background is a rocky, mountainous landscape under a blue sky. The text is overlaid on the right side of the image.

**“I need
someone to
show me my
place in all this.”**

[https://cdn.vox-cdn.com/thumbor/UqYy_66pm6kbpvrEvgxKSQjH0c0=/0x0:1777x744/1200x800/filters:focal\(269x123:553x407\)/cdn.vox-cdn.com/uploads/chorus_image/image/57991181/lastjedi2.0.jpg](https://cdn.vox-cdn.com/thumbor/UqYy_66pm6kbpvrEvgxKSQjH0c0=/0x0:1777x744/1200x800/filters:focal(269x123:553x407)/cdn.vox-cdn.com/uploads/chorus_image/image/57991181/lastjedi2.0.jpg)

Use the Source, Luke



<https://static0.scrdn.com/wordpress/wp-content/uploads/2016/12/Star-Wars-A-New-Hope-Obi-Wan-Kenobi.jpg>

Are They Official?



<http://images4.fanpop.com/image/photos/17700000/Leia-and-Han-Solo-leia-and-han-solo-17729334-1024-768.jpg>



Updated 2017-18 Wisconsin Statutes & Annotations

Published March 11, 2019. **Certified** under s. 35.18 (1) (b), stats.

Updated by 2017 Wisconsin Acts 368 to 370 and through all Orders of the Controlling Board affecting Chapter 961 and Supreme Court Orders filed before and in effect on March 11, 2019.

Statutory changes effective after March 11, 2019, are designated by I.C.S.

The electronic updated Wisconsin Statutes are published under s. 35.18 (1) (b), stats., are certified under s. 35.18 (2) (b), stats., and are prima facie evidence that they are the Wisconsin Statutes “as they purport to be” under s. 889.01, stats.

The table of contents shows all the statute chapter titles listed numerically, grouped under subject-matter headings.

Clicking on a chapter title takes the user to the beginning of the selected statute chapter in an HTML view. Clicking on the icon next to the title presents the chapter as a PDF file. If you perform a search using the search boxes above, the results will be presented in the HTML view. To view search results in a PDF file click on the preferences link above and check “View documents as PDF when available.” See also [Differences Between HTML and PDF Viewing](#).

See [Advanced Search](#) to search within single statute sections or chapters.

The updated Wisconsin Statutes and Annotations are presented on a secure connection. To verify that the statutes are being accessed from the Wisconsin Legislature's secure document server, <https://docs.legis.wisconsin.gov>, click on

You Are Here: [Home](#) > [Site Index](#) > [Learning Center](#) > Legal Research Guides

Questions? [Ask a Librarian](#)  

Legal Research Guides

Contents

- [How & Where to Begin Your Research](#)
- [Administrative Law](#)
- [Statutory Law](#)
- [Updating the Law](#)
- [Government Information](#)
- [International Law](#)
- [Treaties](#)
- [Understand Legal Citations](#)
- [Research Tools](#)

How & Where to Begin Your Research

- [Law: An Introduction](#)
Wisconsin and Federal guides to the types of law, how laws are made, and how government works.
- **Directories**
 - [WI Law Libraries Open to the Public](#)
- [Finding Legal Information](#) (*WI Court System Self-Help Center*)
Explanation of primary & secondary sources of law. Resources for finding law.
- [Free & Low Cost Legal Research](#) (*Georgetown Law Library*)
- [Guide to Wisconsin Legal Information Sources](#) (*UW Law Library*)
- [Introduction to Legal Materials: A Manual for Non-Law Librarians in Wisconsin](#) (*Law Librarians Assoc. of WI*)
Explanation of the three branches of government with description of sources of case law, statutory and administrative law. Provides information about secondary sources of law, links to web resources & a glossary of legal terms.
- [State Online Legal Information](#) (*American Assoc. of Law Libraries*)



[Ask a Question](#)

CLE Classes

- Check out our latest [library class offerings](#)



Jurisdiction



<https://pixel.nymag.com/imgs/daily/vulture/2017/12/18/star-wars-planets/bespin.nocrop.w710.h2147483647.2x.jpg>

Est. 1836

Wisconsin Legislative Branch

- **Statutes**

- [Current](#)
- [Archive 1941/42-](#)
- [Annotations 1970](#)


- **Acts**

- [Current](#)
- [Archive 1849-](#)
- **Budget:** [2001](#) ; [2002](#) ; [2003](#) ; [2005](#) ; [2007](#) ; [2009](#) ; [2011](#) ; [Budget Repair Act 2011](#) ; [2013-2014 Budget Documents](#); [2015-2016 Budget Documents](#); [2017-2019 Budget Documents](#)
- [Act Memos](#) (*WI Legislative Council*)

- **Legislative Drafting Records**

- [Drafting Records 1999-](#) (*WI Legislature*)

- **Researching Legislative History**

- [Legislative History Research in Wisconsin](#)  (*WI State Law Library*)
Get an overview of legislative history research in a clear diagram. Links and coverage for online and print resources are included.
- [Researching Legislative History in Wisconsin](#) (*WI Legislative Reference Bureau*)
Offers suggestions for researching Wisconsin constitutional and statutory law and for determining legislative intent.

- **Constitution**

- [Constitution](#)

- **Rules**

- [Assembly Rules](#)
- [Senate Rules](#)
- [Joint Rules](#)

- [Wisconsin Pre-Statehood Legal Materials](#) (*HeinOnline*)

- [WI Legislature](#)

Access bills and bill histories, joint resolutions, legislative session calendars, committee information, audio and video of floor sessions, etc.

- [Wisconsin Eye](#)

Video coverage of legislative sessions and meetings.

- [Legislative Council](#)

- [Legislative Reference Bureau](#)

- [Amending the Constitution in Wisconsin](#)

Wisconsin Executive Branch

Context

- If that specific animal has aggressively threatened someone. (This must be the specific animal in question, and not based on beliefs about behavior from that breed, size, etc.)

The *Americans with Disabilities Act* gives specific guidelines for what are and are not "service animals" and some people mistakenly believe that only service animals are protected. However, the ADA also says that "emotional support animals that do not qualify as service animals under the Department's title III regulations may nevertheless qualify as permitted reasonable accommodations for persons with disabilities under the Fair Housing Act and the ACAA." The Fair Housing Act, which addresses "reasonable accommodations" in rental housing, is [available here](#).

New State Laws

On the state level, Wisconsin law now defines an "Emotional Support Animal" as one who gives "emotional support, well-being, comfort, or companionship" to a person with a disability. Unlike a service animal, an emotional support animal does not need to be certified or trained to perform tasks to benefit that individual. **Wis. Stat. 106.50(1m)(im), 2017 Wis. Act 317, Sec. 28, Eff. 4/18/18.**

Landlords can only deny the service animal or emotional support animal if:

- the tenant is not disabled or does not have a disability-related need
- the tenant fails to provide requested documentation allowed by this law
- there is undue financial or administrative burden or would fundamentally change the services provided
- the specific animal "poses a direct threat to a person's health or safety" that cannot be reduced or eliminated by another accommodation
- the specific animal would cause substantial physical damage to the property that can't be reduced or eliminated by another accommodation. **Wis. Stat. 106.50(2r)(bg)4.d., Wis. Stat. 106.50(2r), 2017 Wis. Act 317, Sec. 30**

Currency

Wisconsin Child Support Laws When the Custodial Parent Moves

BY HEATHER FRANCES J.D.

annual overnights the child spends with the noncustodial parent. Child support is typically established at the time the couple divorces, according to the situation at the time of the divorce. Support can be modified when circumstances change.

Moving Notice

When parents receive custody as part of a divorce, a parent wishing to move out of state with a child -- or 150 miles away within Wisconsin -- must give written notice to the other parent at least 60 days prior to the move if the other parent has been awarded any periods of placement, or visitation time. If the parent proposing to move has sole or joint legal custody of the child and the child resides with that parent for the majority of time, the noncustodial parent can attempt to stop the move by filing paperwork with the court. The court can order the custodial parent to come to court to show the move is appropriate, and the court can modify the custody order to take into account the distance caused by move.

767.805 (4) (am) The information set forth in s. 767.41 (6) (h).

SECTION 10. 767.89 (3) (bm) of the statutes is created to read:

767.89 (3) (bm) The information set forth in s. 767.41 (6) (h).

SECTION 11. 767.89 (6) of the statutes is amended to read:

767.89 (6) OTHER APPLICABLE PROVISIONS. Sections 767.41, 767.43, 767.451, 767.481, 767.57, 767.58, 767.59, 767.71, 767.75, 767.76, 767.77, and 767.78, where applicable, apply to a judgment or order under this section.

SECTION 12. Initial applicability.

(1) INFORMATION IN ORDERS REGARDING RELOCATIONS. The treatment of sections 767.41 (4) (d) and (6) (h), 767.805 (4) (am), and 767.89 (3) (bm) of the statutes first applies to judgments or orders for legal custody of and physical placement with a child that are granted in

actions affecting the family, including actions to modify judgments or orders previously granted, that are commenced on the effective date of this subsection.

(2) MOTIONS TO RELOCATE WITH A CHILD. The treatment of sections 767.001 (1) (k) and 767.225 (1) (bm) of the statutes first applies to motions to relocate with a child that are filed in any of the following:

(a) Cases originally commenced on the effective date of this paragraph.

(b) Cases in which legal custody or physical placement is modified on the effective date of this paragraph.

(3) PROHIBITED ACTS DURING THE PENDENCY OF AN ACTION. The treatment of sections 767.117 (1) (c) and 767.215 (2) (j) 1. of the statutes first applies to actions affecting the family, excluding actions for maintenance payments or property division, but including actions to modify judgments or orders previously granted, that are commenced on the effective date of this subsection.

(7) APPLICABILITY.

(a) The requirements and procedures under this section apply to relocations with or removals of a child in any of the following cases:

1. Cases that are originally commenced on or after April 5, 2018.
2. Cases that were originally commenced before April 5, 2018, but in which a legal custody or physical placement order is modified on or after April 5, 2018.

(b) Except as provided in par. (a) 2., the requirements and procedures under s. 767.481, 2015 stats., apply to moves with or removals of a child in cases that were originally commenced before April 5, 2018.

Reliability



Research Wisconsin Legislative History

Wisconsin State Law Library
wilawlibrary.gov

1

Identify statutory language

2

Find originating act

Look at history notes to browse the list of acts or rules

Compare older statutes to find the session when the language changed

Check back of this sheet for a list of online, print, and microfiche sources

If it's a budget act, get help from the Legislative Reference Bureau

Get bill number and section number to help with browsing through the drafting file

Read originating act

Check list of renumbered or repealed statutes and statute indexes

Skip to step 7 for court rules

3

Ask a librarian if you need help finding the originating act

Look for secondary materials

Check history notes for resources that may discuss legislative history or intent

Use act and bill numbers, statute sections as search terms in databases

Check legislative agency reports

4

Someone may have already compiled and published a legislative history

Print or save procedural history at start of drafting record to help you browse through drafting record

Failed bills are archived by bill number in drafting records

As necessary, check Governor's veto message and journals

6

7

As necessary, check Governor's veto message and journals

Read original bills and journals

Start Here: LGBTQ Topics a list of resources

By Carol Hassler

[A legal guide for lesbian and gay couples](#)

by Vick Hertz and Emily Doskow
5/8 2012

[Gay, bisexual & transgender family](#)

on/West
7/2017-2018

[Whether: a legal guide for unmarried](#)

by Vick Hertz and Lina Guillen
5/2017

[Marriages: legal issues](#)

M. Smith

[Adoption and the law](#)

West
5/2017

[Transgender gender identity & the law](#)

by Stephen S. Krimmer and others
5/2017

Wisconsin State Law Library

Serving the Wisconsin Supreme Court and State of Wisconsin

Browse by Topic

Website

Search for one or more keywords

Q



Ask a Question



Locations & Hours



Articles & Journals



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Legal Topics -

Search -

Learning Center -

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About Us -

State & Local Information

Wisconsin law & cases

Ordinances & codes

County legal resources

Quick Links to Laws & Cases

Wisconsin appellate court records & circuit court records

Wisconsin appellate court briefs

Wisconsin statutes & administrative code

Library Highlights

Read Library news, event updates & more!



Library Research

Catalog Find books and journals in our library

Q

Find a book or journal in our catalog

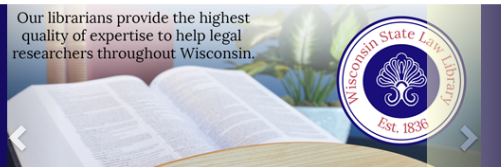
Online articles, journals, and books

Use the Library

Order copies & forms

Get a library card

Frequently asked questions



Divorce

Divorce ends a marriage. The court rules on issues like the division of property, maintenance (spousal support), and child support, legal custody, and physical placement. There is a 120-day waiting period to get divorced. Once the divorce is granted, the parties cannot remarry anywhere in the world for at least six months.

Wisconsin is a "no fault" divorce state, which means neither spouse must prove that the other has done anything wrong, and only one spouse must testify under oath that they believe that the marriage is irretrievably broken. [Wisconsin Statute 767.315](#) lists the grounds for divorce and legal separation in Wisconsin. See the Wisconsin Court System's [Basic Guide to Divorce and Legal Separation](#) to learn more about divorce or legal separation.

[Ask a Question](#)



[Ask a Question](#)

Related Topics

- [Child Custody & Visitation](#)
- [Child Support](#)
- [Coronavirus \(COVID-19\) Resources](#)
- [Guardian ad Litem](#)
- [Legal Assistance](#)
- [Marital Property](#)
- [Marriage](#)
- [Qualified Domestic Relations Orders](#)



[Popular questions](#)

[Laws](#)

[Forms](#)

[Research links](#)

[Library books & articles](#)

Agreement



<https://ewedit.files.wordpress.com/2019/02/episode-ix.jpg>

Example Reference Questions

Is it legal to open carry a loaded firearm with a concealed to carry permit?

Can I sell CBD oil?

My landlord doesn't knock when he comes into our house. This morning he came at 6am and let himself in with his key to check the water heater which was repaired yesterday. Is that legal?



http://static.digg.com/images/cdc7c738f6554bcb947d23ac78824c6e_a3a35fba38d0372b4648e65dff6cf8fd_1_social_large.jpeg

Self-representation

“Because libraries typically allow access to public computers and because library staff members are already trained in assisting the public with research issues, they are a natural partner for providing self help services.”

-- National Center for State Courts, Center on Court Access to Justice for All, Access Brief: Self Help Services

Self-representation

Confusing Language

Legalese

Complicated Rules and Procedures

Librarian Ethics

Catherine Arnott Smith's webinar in the iSchool continuing education series from March 2015: Weary of Helping: Public Libraries, Health Information, and The Affordable Care Act

Answering reference questions from the public in the areas of the legal, medicine, and taxes are the most challenging for the librarian.

We are not social workers

No advice!

Computer skills and access to the internet for those patrons asking the questions

Librarian Ethics

American Library Association's Code of Ethics ([ALA Code of Ethics](#))

- I. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.

Librarian Ethics

American Association of Law Libraries Code of Ethics

- We promote open and effective access to legal and related information. Further we recognize the need to establish methods of preserving, maintaining and retrieving legal information in many different forms.
- We uphold a duty to our clientele to develop service policies that respect confidentiality and privacy.
- We provide zealous service using the most appropriate resources and implementing programs consistent with our institution's mission and goals.
- We acknowledge the limits on service imposed by our institutions and by the duty to avoid the unauthorized practice of law.

Librarian vs. Lawyer



Unauthorized
practice of law

Wisconsin
Supreme Court
Rule 23.01
Definition of
practice of law

<https://nerdist.com/wp-content/uploads/2018/01/The-Sarlacc-Pit-from-Return-of-the-Jedi.jpg>

Legal Reference v. Legal Advice

LEGAL REFERENCE	(Probably) LEGAL ADVICE
Non-attorneys <i>do</i> :	Non-attorneys <i>do not</i> :
Recommend law books on particular subjects, including books that provide forms and will explain the law and procedures of the courts, and demonstrate how to effectively use them by explaining the indexes and tables of contents	Recommend a specific legal form, explain how to fill in the form, or fill out a legal form for the user. (It is permissible to refer users to form books. The user will need to ultimately decide whether to use those forms or not.)
Help to find the broad definition of legal words or phrases, usually by using sources such as <i>Black's Law Dictionary, Cal. Jur. 3rd, Words and Phrases</i> , etc.	Offer an opinion as to how a user's specific legal problem should be handled.
Perform an online search to provide the user with information which may be relevant to his legal question	Identify any single law as <i>the</i> statute (or regulation, or case) that will answer the user's legal question.
Suggest search terms when using indexes or finding tools	Help a person by interpreting the law (statutes, regulations, or cases)
Teach legal research techniques such as the use of digests and Shepard's	Write a brief, prepare a will, or draft a contract
Locate biographical information about attorneys and judges	Interpret any legal document from a court or an attorney

Locating the Law: A Handbook for Non-Law Librarians by Southern California Association of Law Libraries, 2011



Legal Reference

**Legitimate
sources**

- Jurisdiction
- Context/Reliability
- Currency
- Agreement

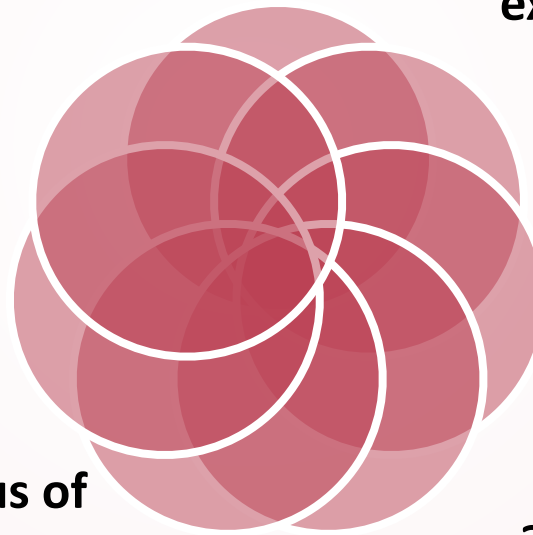
Legal Reference

“I cannot give legal advice” should not be used as an excuse not to provide service.

Librarians will interpret questions differently

Be cautious of bias and treat the patron with respect

Reword question



Set expectations

Read directly from the source and avoid interpretation

Provide appropriate level of information



Legal Reference

Phrases to use

- The law states...
- In general
- See this information from this source
- This may help answer your question
- This form is used for...
- Based on the information we have in the library...
- I am a librarian and can point you to information. I am not an attorney and can not give legal advice.
- I don't know. Let me look into this and get back to you.
- You will need to speak to an attorney to discuss your particular situation.

Legal Reference

Phrases to Avoid

- My opinion
- Should
- That means
- I predict
- If it were me
- Let me fill that out for you
- Do this... and you are set



<http://www.jodocast.com/wp-content/uploads/2016/07/Chewbacca-starwars.jpg>

Upset Patrons

Phrases to use

- I hear you.
- Mmm and Hmm. Okay
- I'm happy to help you research...
- I don't know. I will look into that for you.
- I'll see what I can find for you.
- Do you have a question for us?
- Here is the definition...
- Let's start with [this step]
- I see that you're upset.

Upset Patrons

Phrases to Avoid

- I understand how you feel
- It's going to be okay
- My opinion...
- That was stupid
- Why did you do that?
- CALM DOWN!!



Legal Reference

Online
forms
and
vendors

- Currency
- Selling what is available for free?
- Bias from vendor?



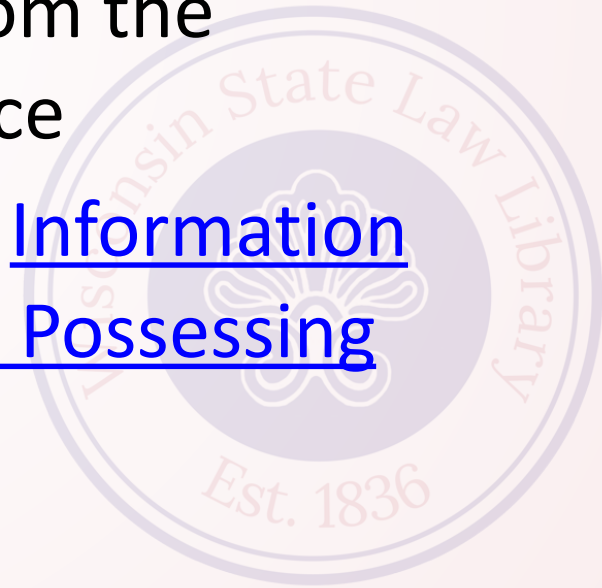
[https://www.google.com/url?](https://www.google.com/url?sa=i&source=images&cd=&cad=rja&uact=8&ved=2ahUKewjE4NKKwf_gAhVD74MKHQqWApcQjRx6BAgBEAU&url=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3Ddu2W5YPQJqUs&psig=AOvVaw2AayJjyAeaTF7Vh-zZZc-&ust=1552579897702492)

[sa=i&source=images&cd=&cad=rja&uact=8&ved=2ahUKewjE4NKKwf_gAhVD74MKHQqWApcQjRx6BAgBEAU&url=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3Ddu2W5YPQJqUs&psig=AOvVaw2AayJjyAeaTF7Vh-zZZc-&ust=1552579897702492](https://www.google.com/url?sa=i&source=images&cd=&cad=rja&uact=8&ved=2ahUKewjE4NKKwf_gAhVD74MKHQqWApcQjRx6BAgBEAU&url=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3Ddu2W5YPQJqUs&psig=AOvVaw2AayJjyAeaTF7Vh-zZZc-&ust=1552579897702492)

[%2Fwww.youtube.com%2Fwatch%3Fv%3Ddu2W5YPQJqUs&psig=AOvVaw2AayJjyAeaTF7Vh-zZZc-&ust=1552579897702492](https://www.google.com/url?sa=i&source=images&cd=&cad=rja&uact=8&ved=2ahUKewjE4NKKwf_gAhVD74MKHQqWApcQjRx6BAgBEAU&url=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3Ddu2W5YPQJqUs&psig=AOvVaw2AayJjyAeaTF7Vh-zZZc-&ust=1552579897702492)

Example Reference Questions

- **Is it legal to open carry a loaded firearm with a concealed to carry permit?**
 - [Wisconsin Statute 175.60](#)
 - [Frequently Asked Questions](#) from the Wisconsin Department of Justice
 - Wisconsin Legislative Council's [Information Memorandum on Carrying and Possessing Firearms in Wisconsin](#)



Example Reference Questions

- **Can I sell CBD oil?**
 - Refer to WSSL's gathered resources: [CBD Oil and Industrial Hemp](#)



Example Reference Questions

- **My landlord doesn't knock when he comes into our house. This morning he came at 6am and let himself in with his key to check the water heater which was repaired yesterday. Is that legal?**
 - [Wisconsin Administrative Code ATCP 134.09\(2\)\(a\)2](#)
 - The [Tenant Resource Center](#) has a helpful section on their website about [landlord entry](#).



Staying Informed

- **WSLL@Your Service:** monthly newsletter emailed
 - Blog
 - Social media: Facebook, LinkedIn

Popular Topics

- [Child Support](#)
- [Divorce](#)
- [Landlord/Tenant](#)
- [Legal Assistance](#)
- [Name Change](#)
- [Ordinances](#)
- [Small Claims](#)

Search

Browse the index below or search our website.

[Website](#)



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Serving the Wisconsin Supreme Court

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Librarians are not attorneys and cannot provide legal advice. If you need legal advice you should speak with an attorney.

Toll free: 800-322-9755
Reference: 608-267-9696
Email: wilawlibrary.gov/ask

Start your research here

wilawlibrary.gov



Ask a question
800-322-9755 608-267-9696
wsl.ref@wicourts.gov



Use online & print collections including Westlaw & HeinOnline. Learn in our legal research classes.



Wisconsin State Law Library Milwaukee County Law Library Dane County Law Library

Ask a Librarian

Fill out this form to email us or call one of our libraries for help.

Question

Subject

 Optional

Email

Phone

 Optional

County

 Optional

Send to Wisconsin State Law Library

Send Email

This form accepts text only - no URLs or website links. If you need to email us and include a link, send an email directly to wsl.ref@wicourts.gov.

Librarians cannot provide legal advice. Read our [reference service](#) policy for more information on how we can help you.

Our goal is to respond within one working day.

[Library hours](#)

Start your research here.


Our libraries have legal self help books, a selection of forms for sale, legal materials like statutes and case law, and specialized databases like Westlaw.

Start your research on our website with 400+ legal research guides and tutorials.

wilawlibrary.gov



<https://cdn3.movieweb.com/i/article/3FDXctHPSBcD89efhyjVlnp1VaZskn/798:50/Star-Wars-New-Hope-Chewbacca-Medal.jpg>

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