

Senate State and Local Government Committee

Date

By: Carol Fey, McIntosh County Recorder and Clerk of Court

RE: SB2259 – Relating to the provisions of blanks and records

Chairwoman Roers and Committee Members

I am Carol Fey and I am the McIntosh County Recorder and Clerk of Court and I am speaking today in support of Senate Bill No. 2259

As a clerk of court, we are trained to recognize and practice the difference between what is giving legal advice and what is legal information. Even though we tell customers that we cannot give legal advice, nine times out of ten, their questions continue to be on the line of legal advice. And even though on the courts self-help site it specifically states that clerks cannot help them, it does not deter them from asking.

In the recorder's office, it is no different, we are often asked questions or asked to perform a task that is above our scope as a recorder.

Considering how many different documents that we record it would be difficult to have a stack of blank documents and hand one to a customer and say, "yes this is the form you need for your situation". Most times the customer themselves do not even know what their ownership situation is. For this reason, we highly suggest that they talk to an attorney

Just as the courts offer self-help forms, I can imagine similar frustrations for recorders, of having to explain why we cannot give legal advice, nor that we are not all knowing of every form put out on public sites.

For these reasons and the fear of being sued for giving the wrong advice or form, I ask a green vote on SB 2259.

Thank you for your time and consideration.