

Social Work and Legal Services Integrating Disciplines: Lessons from the Field

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Introduction

As resources for underserved populations become scarcer and the populations' needs become greater, it is important that providers continually re-evaluate how they serve their neediest clients. Legal services clients often have more than just legal issues. Clients seeking legal services often have complex problems with health, housing, and social environments, along with a multitude of other challenges.

Several organizations have found innovative solutions to provide more comprehensive and holistic services to their clients by coordinating with other disciplines. One such partnership that has become more common—and even necessary—is the collaboration of social workers with legal services providers.

While many legal services providers recognize the assets that social workers bring to a legal case, challenges can emerge when integrating two professions with fundamentally different professional ethics.

In this paper, the lawyer/social worker relationship will be examined in terms of the strengths it offers, the challenges it presents, and the lessons learned from the field by those who have adopted this collaborative approach to serving clients.

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LAAC is the statewide membership organization of legal services nonprofits that serves and strengthens its members through advocacy, training, and support in their efforts to provide critical legal assistance to low-income Californians and ensure equal access to justice.

Literature Review

The academic and professional literature available on this topic is mostly recent and somewhat sparse. The main issues addressed are:

- General overviews and summaries of the role a social worker can take in a legal services setting
- The identification and explanation of the conflicting professional ethical commitments of each profession and how they interact
- Models for integrating social work and legal services while still adhering to ethical principles

Role of a Social Worker

The literature outlines the roles that social workers can fill to support an attorney. They can assist with “interviewing clients, assessing the client’s psychosocial needs, [and] making referrals” (Pierce et al., 2001). Social worker roles offer support for clients who have more complex issues embedded within their legal issues. Social workers can offer the additional time and a different perspective on issues that are external to the legal case, but that still affect the client’s ability to participate in the necessary legal processes.

Professional & Ethical Conflicts

The most researched issue regarding a lawyer/social worker collaboration is the ethical conflict implicit in the adoption of two professional codes of ethics. “Social workers are obligated to maintain confidentiality according to state licensing laws and the National Association of Social Workers (NASW) Code of Ethics which permit disclosures for mandated reporting obligations” (NASW, 2008). Conversely, attorneys are bound to confidentiality with stricter limitations. In the American Bar Association’s Model Rules of Professional Conduct, Rule 1.6: Confidentiality of Information states that, “a lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary ... to prevent reasonably certain death or substantial bodily harm” (ABA, 2010). While these ethical guidelines can conflict, there are practice models which enable a legal services provider to collaborate with social workers while still maintaining attorney-client privilege. The most common model utilizes the American Bar Association's Model Rules of Professional Conduct, Rule 5.3, which states that lawyers who employ or retain non-lawyer assistants are required to “make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer” (ABA, 2010). Under such stipulations, the social worker acts as a member of the legal team, or a “non-lawyer assistant,” and thus falls under the attorney-client privilege. When social workers are hired

under this model, it is important that their role and confidentiality requirements are explicitly outlined to ensure that they are comfortable with this arrangement.

In another model, social workers operate as a separate entity from the legal team and are utilized to assist clients on a referral basis from the attorneys. In this model, social workers don't communicate directly with the legal team. Therefore, social workers maintain their ability to be mandated reporters because they are not privy to confidential client information from the attorneys.

Below are the three basic practice models that are outlined by National Association of Social Workers (NASW), as well as several other legal services organizations who have defined their lawyer/social worker relationship.

Practice Models

In an online report, NASW includes six practice models for incorporating social workers into a legal services environment (NASW, 2008).² In an article published in the Clearinghouse REVIEW Journal of Poverty Law and Policy (2011), three practice models are outlined.³ Below is summarized version of the three basic *categories* of practice models encompassed in the literature (Block & Soprych, 2011).

1. **Consultant Model:** In this model, the social worker does not meet directly with the client but serves only as a consultant to the legal team to provide support and expertise.
2. **Multidisciplinary Model:** In this model, social workers and attorneys work independently of each other and interact only to refer clients from one service to the other. This model maintains the professional ethical standards of both professions and ensures clients receive necessary services without disclosing confidential information.
3. **Interdisciplinary or Employee Model:** This model includes social workers as non-lawyer employees of the legal team and thereby requires them to adhere to attorney-client privilege. While this model seems the most controversial, ways to address the potential for handling admissions of abuse or neglect have been developed.
 - a. **Confidentiality Wall:** This refers to a legal case that is reviewed by an attorney to see if abuse or neglect is present before including a social worker, thus avoiding collaboration on any cases where a social worker would have a reporting conflict.

² These six models include the consultant model, the direct services provider model, the employee model, the consent model, the confidentiality wall model, and the notice model.

³ These three practice models include interdisciplinary collaboration, multidisciplinary approach, and agency collaboration.

- b. **Notice and Informed Consent:** This refers to a policy that informs clients of the dual roles of the lawyers and social workers and encourages clients to disclose and/or report abuse or neglect to the social worker.

Research Methodology

To better understand how legal services organizations incorporate and utilize the skills of a social worker, we conducted key informant interviews with representatives from agencies throughout California. Below is a chart outlining the five organizations that were represented from the key informant interviews. From the existing literature, we formulated a set of questions covering several areas, including:

- Agency history and rationale for incorporating social workers into the staff
- The substantive areas for which agencies utilize social workers
- The unique strengths, skills, and perspectives that social workers bring to a legal services setting
- The way an organization deals with professional ethical conflicts between the social work and legal professions
- The lessons learned and advice that legal services organizations with social workers have for other organizations in the legal services community

Organization	Department	Length of Involvement with Social Worker	Model
Legal Aid Foundation of Los Angeles	Homeless Prevention, Torture Survivors, Domestic Violence/Family Law	Long history at organization	Multidisciplinary (homelessness prevention), Interdisciplinary (torture victims/family law)
Public Counsel	At-Risk Youth, Families, Veterans, Multi-service centers	More than 20 years	Interdisciplinary
Bet Tzedek	Caregiver/elder rights	2 years	Interdisciplinary w/ informed consent (i.e. social workers are mandated reporters, clients are informed of this role and that any reportable information will be reported)
Alliance for Children's Rights	Children's Rights	10 years	Interdisciplinary
The Law Foundation of Silicon Valley	Legal Advocates for Children & Youth (LACY)	15 years	Interdisciplinary

Findings

Several themes arose through the key informant interviews. These themes are outlined below and reflect both the benefits and challenges of employing social workers in a legal services setting. Key informants offered their advice and “lessons learned” from their experiences of combining these two professions. Their responses are paraphrased throughout this section.

Integrating a Social Worker

Many of the organizations have used social workers for many years. Organizations that have employed social workers more recently explained that they saw a need for them in a particular area of their legal services. Social workers are most often funded by a grant, or written into an existing grant, to better serve a specific group. Most commonly, social workers were employed in legal areas that included families involved with the child welfare system and clients with housing and homelessness issues.

Skills and Strengths

Legal services organizations that utilize social workers understand that social workers bring a unique set of skills and perspectives. In every key informant interview, respondents commented that social workers have a more holistic perspective than attorneys, who tend to focus on solving only the legal problem. Toby Rothschild of LAFLA said that “social workers maintain a big picture systems perspective whereas attorneys focus on solving the legal issue” (Personal Interview, June 9, 2011).

This singular skill was seen as the greatest asset of employing a social worker as part of a legal team. This unique perspective is the foundation for many social work education programs. Social work education is based on establishing a systems perspective that looks at all aspects of a client to address the issues at hand.

Social workers are also adept at working with difficult clients who bring a multitude of complex issues to a legal case. In this way, social workers can help create a more efficient legal team by supporting clients with resource referrals, psychosocial support, and other non-legal needs integral to meeting their legal needs. Jennifer Kelleher, from the Legal Advocates for Children & Youth (LACY) program at the Law Foundation of Silicon Valley, said that social workers’ expertise in crisis management, conflict resolution, and working with complicated family dynamics are crucial contributions to the legal services team. In this organization, social workers also serve as a resource for attorneys who experience vicarious trauma as a result of their work with intense cases (Personal Interview, June 21, 2011).

While using social workers requires more funding and often additional time spent with certain clients, social worker involvement can prevent clients from returning with the same legal issues repeatedly. Barbara Facher, a social worker from the Alliance for Children's Rights, said that social workers "fit right in" and create a partnership that offers a different set of advocacy skills. It is "advantageous for legal services to have" social workers (Personal Interview, June 22, 2011). Toby Rothschild stated that social workers offer a "different perspective" that supports clients and helps to prevent recidivism (Personal Interview, June 9, 2011).

Ethical Conflicts

One of the prominent concerns about incorporating social workers into a legal services team is the fundamental conflict between the professional ethics of each discipline. Most of the literature surrounding the incorporation of social workers into legal services focuses on this subject. The key informants from organizations utilizing social workers have handled these ethical conflicts in similar ways.

First, the importance of establishing a model or protocol for navigating the professional relationship between a social worker and an attorney is crucial. Organizations must have a clear understanding of the model that they are employing, as well as a direct and clear communication of that model to their staff. Several key informants spoke to the importance of establishing clear protocol prior to engaging social workers in a legal services setting.

Most often, social workers are adopted as part of the legal team and, therefore, forego their obligations as mandated reporters. This can put social workers in a difficult position, as some have concerns with foregoing the responsibility of being a mandated reporter. It is important in the hiring process that the social worker role is explicitly outlined so that social workers working under this model understand their responsibilities regarding attorney-client privilege. Several organizations stated that this model creates an ongoing dialogue between social workers and attorneys and helps to bring to light any mandated reporting issues and address them within the legal team.

Other organizations have adopted alternate models. At Bet Tzedek, clients are informed up front that social workers are required to report abuse or neglect (M. Court, Personal Interview, June 20, 2011). At the Legal Aid Foundation of Los Angeles (LAFLA), where multiple social workers work on various projects, two programs (i.e. Torture Survivors and Domestic Violence/Family Law) use an interdisciplinary approach as described above, while the Homelessness Prevention program utilizes a multidisciplinary model where social workers operate in a separate department without contact with the legal services team (T. Rothschild, Personal Interview, June 9, 2011).

Overall, the best approach to mediating any conflicts that arise due to professional ethics codes is to have a clear plan and blueprint for handling these issues. Organizations that have established clear mandated reporting policies indicated that they experience less conflict regarding ethical issues. Since expectations for their staff were set from the beginning of employment, social workers and other legal services staff understand when it is appropriate to report abuse or neglect. Toby Rothschild of LAFLA stresses the importance of “[thinking] through and understanding the relationship before you start” (Personal Interview, June 9, 2011).

Ongoing Challenges

Every key informant emphasized the importance of having a strong working relationship with clear and open lines of communication between social worker and attorney. This, above all other strengths, was the best way to both prevent conflicts and address them when they arose. Jennifer Kelleher of LACY expressed the importance of establishing distinct role definitions as well as treating both professionals as equals to create an “even playing field.” She also stressed the importance of social workers having a supervisor who is also a social worker instead of asking an attorney to fill that role (Personal Interview, June 21, 2011). While this may not be a possibility in smaller organizations that employ only one or two social workers, it is important to treat social workers as an equal member of the legal team as opposed to a subordinate member.

Conclusion

The collaboration between social workers and legal services has become increasingly important as both legal and social services are challenged by increasing client needs and decreasing resources. This collaboration allows for more efficient and holistic services for the neediest clients and ensures that the root causes of legal issues are resolved to prevent further need for legal action.

While integrating social workers and attorneys in one office can pose great challenges, organizations that have adopted a collaborative approach have seen the benefits for their clients, who are ultimately better served. By creating clear expectations and protocols and establishing a strong relationship with clear communication, social workers and attorneys can work together to serve their clients in the best possible way.

Paul Freese, of Public Counsel, offered that social workers are “sensitized to identify at risk-issues” and “address them upstream,” providing an integrated delivery model that provides education and empowerment to liberate clients from poverty (Personal Interview, June 14, 2011).

Works Cited

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Other Resources

Programs

Orange County Collaborative Courts

<http://www.occourts.org/directory/collaborative-courts/index.html>

California Courts – Collaborative Justice Courts

<http://www.courts.ca.gov/programs-collabjustice.htm>

Greater Boston Legal Services

<http://www.gbls.org/>

Webinar

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Key Informants

Court, Michelle Williams. *Vice President and General Counsel, Bet Tzedek*
www.bettzedek.org

Facher, Barbara. *Social Worker, Alliance for Children's Rights*
www.kids-alliance.org

Freese, Paul. *Vice President, Public Counsel*
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Kelleher, Jennifer. *Directing Attorney, Law Foundation of Silicon Valley, Legal Advocates for Children & Youth*, www.lawfoundation.org/lacy.asp

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