

Social Work Practices in California Legal Aid Organizations

Spring 2021

OneJustice

The Legal Aid Association of California

Table of Contents

Foreword	1
Key Findings	2
Introduction	3
Motivations for this Project	3
Objectives and Methodology	4
Project Team and Working Group	5
Findings	6
How Many California Legal Aid Organizations Integrate Social Work?	6
Models of Social Work Practice in California Legal Aid Organizations	10
Developing Social Work Programs: Ethics, Funding, and Staffing	19
Delivering Social Work Services: Intake, Assessment, and Case Management	28
The Impact of Integrating Social Work into Legal Services	36
Acknowledgements	45
Appendices	46

Foreword

The Legal Aid Association of California (LAAC) and OneJustice are uniquely situated to examine the potential benefits and challenges of integrating social work services into comprehensive civil legal services.

As the statewide membership association of over 100 public interest law nonprofits that provide free civil legal services to low-income people and communities throughout California, LAAC always strives to support legal aid organizations and promote best practices. Similarly, OneJustice seeks to transform and improve the delivery of civil legal aid to bring life-changing legal help to those in need. LAAC and OneJustice have often worked together to build a stronger legal safety net for Californians.

With this report, we seek to illuminate one particular aspect of the legal aid landscape: the confluence of social work services and civil legal services, which can often be siloed into separate, and sometimes fragmented, service delivery systems. The idea of removing the boundary between the two fields, and housing both within a legal aid office, is often synonymous with conceptions of developing holistic, wrap-around, and client-centered services. Having access to both social and legal services in the same place can be an empowering experience for clients, giving them the tools they need not only to resolve their legal issue, but also the mutually-constitutive non-legal issues they face. This also provides a benefit to the organization as well as legal advocates by allowing advocates to focus on the legal matters and for clients to make progress and reach positive outcomes through the organization's services.

LAAC and OneJustice have both been extremely interested in the idea of making social work services more commonplace in legal aid organizations. We are excited that this report has come to fruition. In addition, we thank the Working Group members and the team from OneJustice and LAAC that produced and circulated the survey, conducted the case studies, and finalized this report.

We hope our community finds it useful as we continue to strengthen the legal safety net in our state.

Salena Copeland

Executive Director, Legal Aid Association of California

Phil Hwang

Chief Executive Officer, OneJustice

Key Findings

Organizations with social work services consider them worthwhile and positive additions to their legal services. This is due to the benefits to the client, in terms of providing wraparound assistance, but also to the lawyers as well as the organization as a whole. While there are of course challenges, legal aid organizations generally consider offering social work services a rewarding and beneficial practice.

- **26%** of all programs in the California legal aid sector have a social work practice
- Of programs **without** social work practices, **83%** said that they would “possibly” or “likely” start a social work practice in the future. The most common reason for not having one yet was **uncertainty around funding the program (94%)**
- **Social workers provide an array of services**, most commonly including information, education, and system navigation (**93%**); case management services (**87%**); advocacy in proceedings with social services or other agencies (**80%**); accompaniment to court or other settings (**73%**); and crisis intervention (**73%**), along with referrals to other service providers (**100%**)
- **Housing and homelessness (73%)** is the most common legal practice area supported by social workers, followed by education (**47%**); immigration (**47%**); family (**40%**), children, youth, and juvenile (**40%**); domestic violence (**33%**); guardianship (**33%**); income maintenance (**33%**); consumer/finance (**27%**); disability rights (**27%**); employment (**27%**); health and long-term care (**20%**); elder law and conservatorship (**13%**); and victim advocacy (**7%**)
- The majority (**86%**) of programs house their social workers under the **attorney-client privilege**
- Most (**73%**) connect clients to a social worker on a **case-by-case basis**
- The **ratio** of number of attorneys/advocates per social worker ranged from **2:1 to 22:1, and averaged 8:1**
- **State and local government grants** are a major (**87%**) source of funding

Introduction

Motivations for this Project

Legal aid programs work alongside clients as they navigate some of life's most challenging circumstances, such as housing instability, food insecurity, family and relationship breakdown, or escaping violence to make a home in a new country.

A client's legal problem therefore arises from, and is embedded in, a wider psychological and social context – a context often powerfully impacted by the effects of structural racism, discrimination, and pervasive social inequalities. A client facing an eviction lawsuit, for example, may also have problems with income maintenance and experience depression, both of which may shape how the client engages with the eviction. The impetus towards the integration of social work into legal services is to provide professional psycho-social support to enable clients to participate in the legal process and achieve their goals.

Social work has been integrated into some of California's legal services programs for many years. For example, **Legal Services for Children**, based in San Francisco, has had social workers on staff for over 25 years, and has been an important innovator of the model of holistic legal services. Some other legal services programs have social work practices that are more recently established, and still others are considering starting a social work practice but have not done so yet. Many in the legal services community are keen to know more about the social work models in their sister programs and to learn from other practitioners' experiences.

In response to widespread interest in the topic, **OneJustice** and **LAAC** created this project to conduct a survey of social work practices in California legal aid programs.

Objectives and Methodology

This survey of social work practices in California legal aid programs has two primary objectives:

1. Mapping social work practices: To measure the number of organizations in the California legal aid sector that integrate social work

2. Models of social work practice: To gather information about the characteristics of social work practices in California legal aid programs, including how these programs are designed, funded, staffed, and delivered

To meet these objectives, the study comprised (i) an online survey of California legal aid programs and (ii) case studies of social work practices.

i. Survey of California Legal Aid Programs

An online survey was developed to be distributed to all **76** legal services projects funded by the State Bar of California's Legal Services Trust Fund Program in 2020. The survey first asked whether each program had a social work practice or not. Programs with a social work practice were asked follow-up questions about their program model, the social work services they provide, and the benefits and challenges of running a social work practice. Programs that did not have a social work practice were asked a shorter series of follow-up questions about reasons why they did not have a social work practice. A copy of the survey questionnaire is provided in **Appendix C**.

The survey was fielded in October – November 2020. A total of **34** responses were received, representing a **45%** response rate. A supplementary review of the staff listings on the websites of legal services programs that did not respond to the survey indicated that programs with identifiable social work practices were more likely to respond and that approximately **76%** of all identifiable social work practices were reflected in the survey results. This survey therefore provides a largely representative snapshot of sector practices as of Fall 2020.

ii. Case Studies of Social Work Practices

The survey questionnaire invited programs with social work practices to participate in a case study interview to provide additional qualitative information about their practice. Case studies were completed with managers who supervise social work practices and/or social workers. Case studies were completed with **11** organizations between December 2020 – February 2021. A list of organizations participating in case studies is provided in **Appendix B**.

Project Team and Working Group

Project Team and Report Co-Authors:

- **Peter James**, East Bay Community Law Center (formerly OneJustice)
- **Zachary Newman**, Legal Aid Association of California
- **Dana Marquez Richardson**, OneJustice
- **Karin Johnson (LMSW)**, OneJustice (Project Volunteer)

The project team benefited greatly from the input of members of our legal services Working Group:

- **Diane Trunk**, Director of Evaluation, Policy and Practice, Los Angeles Center for Law and Justice
- **Jennifer Kelleher Cloyd**, Chief Program Officer, Law Foundation of Silicon Valley
- **Linn Chiu**, Associate Clinical Director, Legal Services for Children
- **Lisa Liberatore**, Directing Attorney, Elder Justice Program, Bet Tzedek Legal Services
- **Whitney Rubenstein**, Director, Social Work Program, East Bay Community Law Center

LAAC and OneJustice would like to thank all members of the legal aid community who contributed to this project.

Findings

How Many California Legal Aid Organizations Integrate Social Work?

A primary objective of this survey was to measure how many of California’s legal aid organizations have a social work practice. As described in the introduction, the online survey was distributed to **76** legal services projects funded by the State Bar of California’s Legal Services Trust Fund Program in 2020. A total of **34** responses were received, representing a **45%** response rate.

In order to gain a more comprehensive measure of social work across the sector, a supplementary review of staff listings on the websites of legal services programs that did not respond to the survey was conducted to count the number of additional organizations with identifiable social work practices.

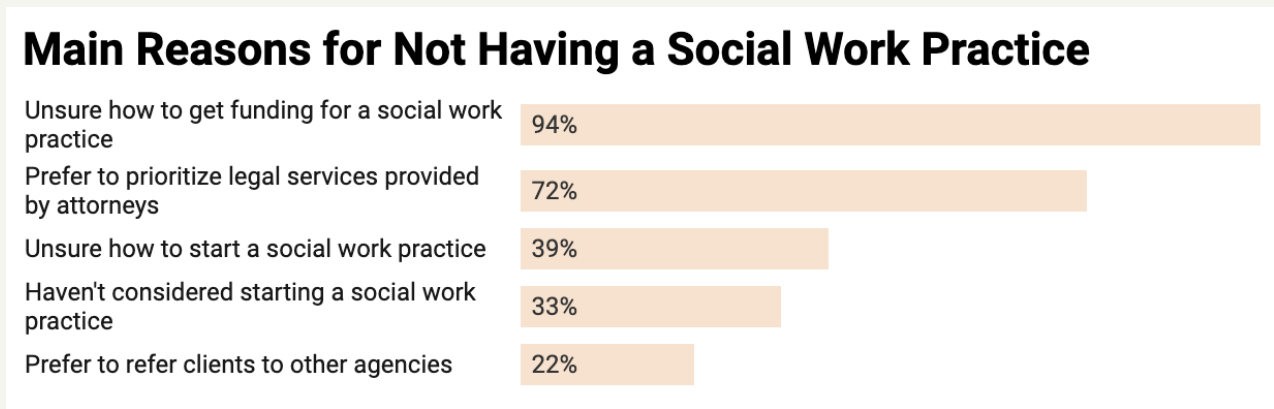
Social Work Program Frequency



A total of twenty programs were identified as having a social work practice: 15 survey respondents and 5 additional programs via the organization's website. The former are listed in Appendix A.

This represents **26%** of all programs in the California legal aid sector.

Programs reporting that they did not have a social work practice were asked for their level of agreement with a series of statements about their reasons for not having a social work practice.



Among these programs, the ability to fund and prioritize resources towards social work are principal reasons for not having a social work practice, and this was reflected in the comments provided.

In addition, **83%** of organizations said that they would “possibly” or “likely” start a social work practice in the future. Whilst these programs only represent a minority of California’s legal aid programs that do not have social work practices, their responses indicate that there is a group of legal aid programs that are open to starting a social work practice if they can find the necessary funding.

Case Study: East Bay Community Law Center (EBCLC)

“When our clients come to EBCLC seeking legal help, there is often more going on than just a legal issue. Collaboration between a lawyer and a social worker enables us to work more holistically with our clients to address legal and non-legal needs. Also, social work support helps our clients stabilize and achieve better legal outcomes.”

Overview: Founded in 2014, EBCLC’s social work practice provides support to clients served in its Education Defense and Youth Justice (EDJY), Housing, and Immigration practices. The EBCLC social work team comprises a Social Work Director and two staff social workers and they host around four Masters level social work interns each year. EBCLC integrates social work into a holistic model of community legal services to ensure that clients receive the support they need to thrive.

Focus: Education and Youth, Housing, and Immigration.

Caseload: 12 to 20

Process: The process varies by practice area. In the youth unit, almost all clients with delinquency cases receive social work support and services are also offered to some clients with education cases, prioritizing clients who are struggling with unmet mental health needs, complex family dynamics, and/or multiple environmental stressors. EBCLC has contractual support to offer case management services to housing clients living in specific locations and generally offers services to elderly tenants and families, tenants with disabilities, and tenants with unmet medical and mental health needs and substance use issues. Immigration clients are referred to social work for a wide array of mental health and social support needs stemming from trauma in their personal histories and challenging circumstances since moving to the US.

Who Receives Social Work Services?

EBCLC offers social work services to clients served in the three practice areas and according to specific criteria relevant to each practice area. At its current level of funding, social work support is targeted towards clients in these specific areas.

What Social Work Services Are Offered? A

wider range of services are offered depending on a client’s needs.

Social workers provide broad case management services, such as helping clients to manage crises, apply for public benefits, and access medical and mental health treatment, while also providing warm referrals for other services. They also assist clients as they engage with their legal cases. In the education context, for example, a social worker may support a young person to advocate for themselves at an Individualized Education Plan (IEP) meeting. Likewise, social workers will prepare immigration clients to provide Declarations in support of their immigration applications and support housing clients when they go into court.

What Does the Social Work Practice Seek to Achieve? EBCLC’s social workers aim to address clients’ wider needs as they navigate complex and stressful legal processes. They provide clients with tools to help them stabilize and engage with their legal cases. Ultimately they seek to help clients have better legal outcomes that provide for greater security in their lives.

Attorney-Client Privilege and Mandated Reporting: EBCLC’s social workers are part of the legal team and work under attorney-client privilege.

Professional Challenges Between Lawyers and Social Workers: EBCLC has emphasized that in order for the model to truly be interdisciplinary, attorneys and social workers need to be viewed as equal members of the team, with no one member more important than the other.

On a practical level, EBCLC has made efforts to embed social workers into all areas of the practice—social workers attend case rounds, unit meetings, case selection meetings, and they are part of the clinical law student (and social work student) experience.

Will the Practice Grow, Stay the Same, or Shrink? In the future EBCLC would like to grow its social work practice because the organization has seen that it has a significant impact for both clients and advocates.

Models of Social Work Practice in California Legal Aid Organizations

The goal of most legal aid programs in integrating a social work practice is to provide more holistic, wrap-around services to the client. Social workers play the role of assisting the client to both get the most out of the legal services they are receiving and navigate the interconnected issues adjacent to their legal issues. Beyond this shared goal, social work practices are integrated into legal aid in many different ways. This section describes some of the different types of social work practices across the California legal aid sector and the different ways in which these practices are designed, funded, and staffed.

The Variety of Social Work Practice

Social work is integrated into some of California's largest legal aid programs across multiple practice areas. These programs tend to offer a wide range of legal services to low-income communities. Social work was sometimes first integrated into a specific practice group (such as services for children and youth) and then in many cases subsequently expanded into other practice groups. Some examples of these larger programs that participated in case studies are provided below.

Bay Area Legal Aid

Bay Area Legal Aid's social work practice originated in youth services, but social work support is now offered in Housing and Income Maintenance as well. Their team includes three social workers.

Community Legal Aid SoCal

Community Legal Aid SoCal's team of two social workers support clients served by the organization's immigration and domestic violence practice units.

East Bay Community Law Center (EBCLC)

EBCLC first integrated social workers into its Education Defense and Justice for Youth (EDJY) practice and has now expanded to provide social work support for Housing and Immigration practices. Their team includes three social workers.

Legal Aid Society of San Diego (LASSD)

LASSD has integrated social work into its legal services program for many years. The team of ten social workers provide support to clients across a wide range of practice areas, including consumer/finance, disability rights, health and long-term care, housing and benefits advocacy.

Neighborhood Legal Services of Los Angeles County (NLSLA)

NLSLA's team of two social workers primarily provide support to clients in the areas of family law/domestic violence, immigration and public benefits.

In some larger organizations, social work support is currently focused on one particular practice unit. Examples include:

Law Foundation of Silicon Valley

Law Foundation has a team of nine social workers in its Legal Advocates for Children & Youth practice (LACY). Social workers support children and youth involved in the child welfare system and with a range of connected needs.

Inland Counties Legal Services (ICLS)

ICLS' recently established social work practice focuses on supporting clients served by its Housing and Disability Advocacy program. Their team includes two social workers.

Social work is also integrated into some of California's legal aid programs that specialize in services for populations with particular needs. Some of these programs have been innovators in integrating social work into a holistic services model and have had social workers on staff for many years.

Some examples of these programs that participated in case studies are provided below.

Dependency Advocacy Center (DAC)

As a specialist program focusing on family reunification and preservation, DAC has integrated social work practice for many years and currently employs three social workers.

Legal Assistance for Seniors

Legal Assistance for Seniors has incorporated a staff social worker to support vulnerable seniors facing housing instability.

Legal Services for Children (LSC)

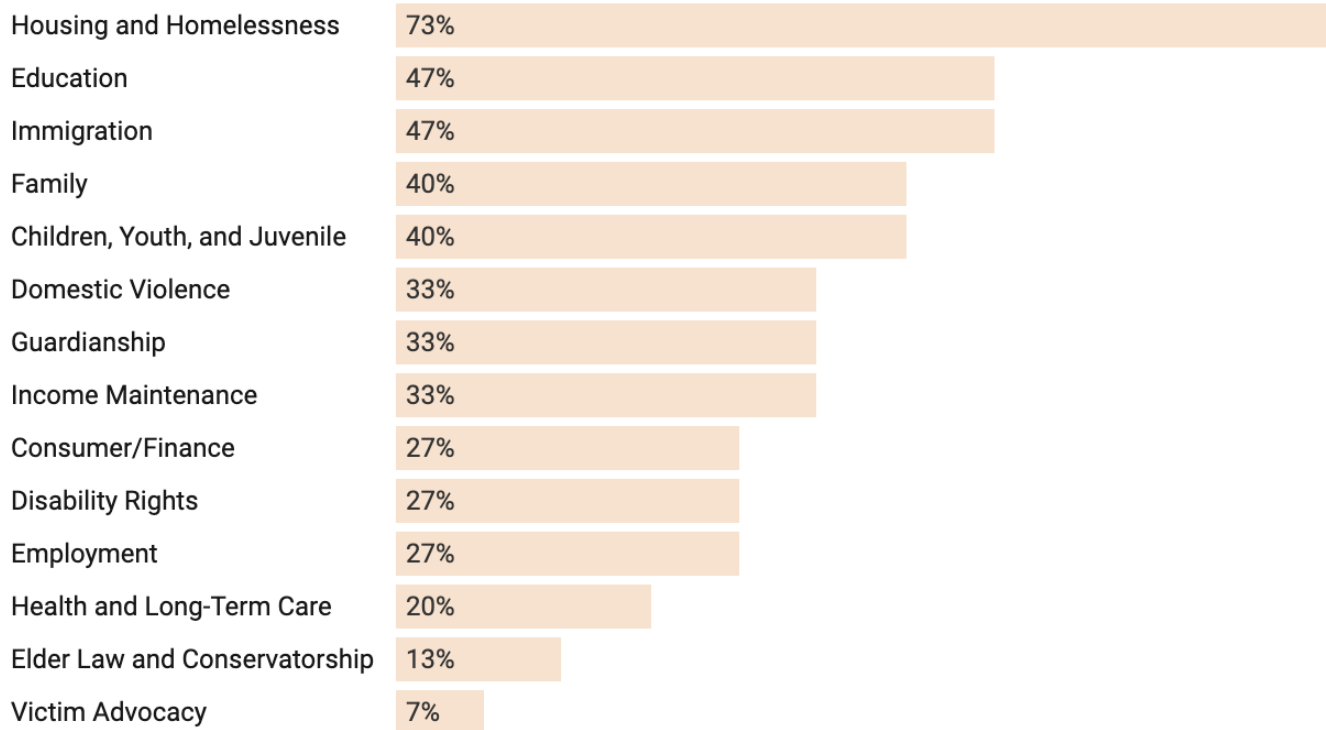
LSC has a long-standing social work practice and currently employs a team of eight social workers to support children and youth in education, immigration, guardianship and foster care matters. One distinctive aspect of LSC's social work practice is that its social workers are mandated reporters.

Los Angeles Center for Law and Justice (LACLJ)

LACLJ has incorporated social work into its services for survivors of domestic violence and sexual abuse for many years. LACLJ's two social workers supervise between 10–20 social work students each year, enabling the organization to offer social work support to all clients it accepts for full-scope representation.

In the survey, organizations with social work practices were asked which legal practice area(s) their social workers support (**see chart below**). Reflecting the diversity of social work models illustrated in the examples above, the survey data reveals that social workers are active in every primary legal practice area.

Legal Practice Areas Supported by Social Work



Looking across the California legal aid sector as a whole, these data show that programs have found social work services to be relevant to clients experiencing the full spectrum of legal issues encountered by low-income Californians. In any individual organization, there are a wide number of factors that may influence whether a program decides to integrate social work into their organization and/or a particular legal practice area. The notably high prevalence of social work in housing may reflect the fact that housing is a traditional focus area for California legal aid programs, the high-level of client need arising from California’s housing and homelessness crises, and the availability of state and local government funding that can be used to hire social workers to provide case management services for clients facing housing insecurity.

Case Study: Neighborhood Legal Services of Los Angeles County (NLSLA)

"The communities that we serve have many needs in addition to the legal matters. Many times our advocates may only have the time to address the legal issues, and the other issues remain unattended. By having a social work practice, it allows us to address clients' psycho-social needs and help empower clients to resolve their issues."

"Addressing the barriers and challenges of integrating a social work practice into legal aid is definitely worth the benefits to the clients and communities we serve."

Overview: The social workers support the attorneys in addressing and reducing barriers. They provide services that might also be outside scope of legal services, in order to be empowering and holistic. By having social workers, they can ensure that individuals have access to basic life necessities in addition to addressing the legal matter. They give the lawyers additional support to address the emotional and psycho-social needs of clients.

Funding: Grant-funded. At this time, county-funded through CalWORKS, but they have received funding through CalOES and CARES (COVID-19).

Focus: NLS has had social workers on staff for around five years and currently they have two social workers funded by specific grants. This fiscal year, they established a program to expand the program serving family law and immigration clients focusing on domestic violence (DV) survivors. For example, some legal topics include restraining orders, custody, paternity, public benefits, and issues related to being a victim of a crime via the Violence Against Women Act (VAWA). They are expanding to other units, to support health, reentry, and housing by establishing an MSW Intern program.

Caseload: 40 clients per FTE.

Process: Internal referrals from advocates that send them referrals. It could also be a referral from CalWORKS. They follow the legal intake process because clients often also have a legal case. The process is based on an assessment tool to figure out what the client's barriers are, along with strengths and goals, and this helps NLS decide what services the client might need. They will reassess periodically if the person is with them for a period of time (e.g., six months). Even if the legal case ends, the client can still receive social work services, and can open a case even without a legal case (based on the grants they receive).

Who Receives Social Work Services?

Because funding is grant-based, there are specific criteria on which clients they can serve. They serve DV survivors primarily because the funding is for DV survivors. Funding determines who they serve, unless an MSW intern is providing the services, where there is more flexibility on who they can serve because they are unpaid.

What Social Work Services Are Offered?

Social workers provide client direct services that may include, but is not limited to: case management, group facilitation, advocacy, counseling, intakes, assessments (including reasonable accommodations), trainings, community education and outreach.

What Does the Social Work Practice

Seek to Achieve? The communities that NLS serves have greater needs than just the legal needs. Many times their advocates may only have the time to address the legal issues, and the other issues remain unattended. The client often comes back because the other issues were unresolved. Ultimately, this helps NLS address the legal matters in a more effective and holistic way. For example, someone might be struggling with getting a police report and the social worker can help them navigate the system to support the legal outcomes which the legal advocate may not be able to assist the client with.

Attorney-Client Privilege and Mandated

Reporting: It is a common practice for social workers to provide services as part of the legal team and adhere to legal ethical practices. NLSLA has employed social workers and case managers to provide services in furtherance of legal work which is common within legal aid environments where the social worker falls under the same ethical guidelines of law. NLSLA has recently started an MSW internship partnership with local schools to place students throughout different programs that will support client psychosocial needs in furtherance of legal work only and is assessing areas of need within the organization to best leverage these skills throughout.

In addition to following this traditional model of interdisciplinary practice between law and social work, NLSLA also uses a separate model where social workers within the agency provide services directly to clients outside of the legal case and follow ethical guidelines for social workers as dictated by the State of California. Clients are provided with information regarding confidentiality and provide consent to be able to work with a social worker who has different ethical guidelines regarding confidentiality as a mandated reporter. NLSLA has employed this separate model for over three years and established policy and procedures in place to protect and inform clients of different ethical guidelines.

Professional Challenges Between

Lawyers and Social Workers: For social workers who are mandated reporters, there is little to no cross-over, and there is no interdisciplinary case review, which is a challenge. Even when law and social work have different ethical guidelines, the approach to put the client first and advocate for social justice unites both practices to overcome and work through these ethical challenges.

Will the Practice Grow, Stay the Same, or Shrink? Grow.

Case Study: Dependency Advocacy Center (DAC)

“DAC values that human connection, and that’s the part that the social worker really brings to the team.”

“We take a trauma-informed approach in working with clients and then, through talking with them and getting to know them, it helps us support them. Recognizing that the trauma is there really helps (1) mitigate past trauma and (2) build a relationship with them. They’ve got to trust us for us to advocate on behalf of them.”

Overview: DAC features a multi-disciplinary team, which includes a social worker, an attorney, and in some cases a mentor parent. The one-on-one connection with the client gives them someone outside of the attorney and case to communicate with. The attorney makes motions and engages in legal processes, while the social worker can sit down and learn more about the client, their history, and how to support them. Acknowledging trauma is a big part of supporting people, and being an ally.

Focus: The work is mainly with parents who find themselves in dependency proceedings.

Process: The parent has a right to counsel in dependency court, so whenever a child comes into the system’s care, the parent can request an attorney and an attorney is then appointed to represent that parent. The social workers come in when specific needs are identified by the attorney on the case. All clients are referred by attorneys in the law practice. The attorney completes a form, giving the social worker basic information about the case and identifies an issue or issues that they want the social worker to address. Once assigned to the social worker, then the attorney and social worker have a conference to determine priorities. After this, the social worker meets with the client. When the client is referred to the social worker, some clients will need support across the life of the case, and some might just need support for a specific court hearing or specific legal issue.

Who Receives Social Work Services? The criteria focuses on aspects of the client’s life like trauma history, whether they were in foster care, substance abuse history, and homelessness.

What Social Work Services Are Offered? Direct practice, a lot of referrals for services, follow-up, clinical assessments, advocacy, and, in some cases, written reports and testimony during trials.

What Does the Social Work Practice Seek to Achieve? The goal is to strategize to fit in where the client needs the team to fit in. In the area of law that DAC works in, there is a lot of trauma, and a lot of time is dedicated to helping the client recognize that the DAC team is an ally. When they know someone is on their side, it helps to ground the client and see that they have someone on their side.

Attorney-Client Privilege and Mandated Reporting: For attorney-client privilege, they have to protect the client first. When something does come up, there is a multidisciplinary team, including the attorney. This team makes a decision on how to support the client, including connecting them with other services. Because social workers are part of the legal interdisciplinary team, their work is also confidential and their communications with clients are covered under the attorney client privilege. DAC social workers, therefore, are not mandated reporters.

Professional Challenges Between Lawyers and Social Workers: The attorneys are amenable to the services of the social workers. They coordinate and communicate, including through a confidential centralized database system so that everyone assigned to the case within the law office has access to the information.

Developing Social Work Programs: Ethics, Funding, and Staffing

Ethical Considerations for Social Work Practices

A critical issue in designing a social work practice is the ethical considerations that dictate what social workers and attorneys can and cannot do when it comes to reporting and confidentiality.

The majority (**86%**) of programs house their social workers under the attorney-client privilege. In this sense, the social worker may be viewed as part of the legal team, and therefore covered by attorney-client privilege and not as a mandated reporter. This means the overarching ethical framework remains within the privilege rules that legal aid lawyers usually work under.

There is not, however, a one-size-fits-all approach to managing ethical considerations. **Legal Services for Children**, for example, enables its social workers to act as mandated reporters, and has evolved a set of working practices to manage the contrasting ethical responsibilities of their attorneys and social workers. Some legal services programs have a hybrid approach where different ethics models are used for social workers working in different practice units or working under particular funding streams.

Regardless of whether an organization houses social workers under attorney client privilege or adopts another approach, programs regularly review their internal processes and discuss specific situations to ensure clarity on how to manage ethical responsibilities in practice. The ethical challenges described varied depending on the legal issues and client populations involved, and seemed particularly acute for cases involving children, suggesting that management of ethical responsibilities for social workers in legal aid is also context-dependent.

Funding Social Work Practices

Legal aid organizations draw on a wide range of sources to fund their social work programs, including **Legal Services Corporation (LSC)** and **State Bar of California** grants, other government grants, foundation grants, and individual and corporate donations. State and local government grants are a major source of funding, reported by **87%** of the sample. These grants were typically focused on serving the needs of a particular client group, such as clients who are homeless or have behavioral health needs, and were sometimes explicitly connected to referral pathways between grantees. These grants sometimes provided both the incentive and resources for programs to launch a social work practice, which could then subsequently grow and be supported by a more diversified funding stream.

Staffing Social Work Practices

The staffing model for social work practices in legal aid is intrinsically connected to broader characteristics of the legal services program and the services that social workers are expected to provide. Staffing considerations include the type of social work qualifications required, how many social workers to hire (especially the ratio of social workers to attorneys and other advocates), and whether to supplement staff social workers with social work students acting as interns.

Considering qualifications, two-thirds of social work practices (**67%**) have at least one supervisor or staff member with a Masters of Social Work (MSW) and almost half (**47%**) have at least one Licensed Clinical Social Worker (LCSW). Other qualifications held among staff social workers include Associate Clinical Social Worker (ASW), Bachelors of Social Work (BSW) and Marriage and Family Therapist (MFT). Around **one in every five** social work practices include at least one staff member with a Juris Doctor (JD).

Social workers are often housed in particular legal practice units but also connected to other social workers by virtue of their shared professional role. Supervisory arrangements vary both across and within organizations, with some social workers supervised by supervisors with a social work qualification and others supervised by attorneys. A number of programs mentioned challenges in developing adequate supervisory structures for social workers when the overall size and budget for the social work practice is limited.

The **number of social workers employed** varied by organization size and by the role of social workers in service delivery. **It was most common for organizations to employ one, two or three social workers**, frequently assigned to specific units. Larger numbers of social workers (**ranging from eight to ten**) were employed by larger organizations or specialized organizations that provided social workers to many or all of their clients. The average across the sample was four social workers. In legal aid, social workers may often be working alone or in small groups, and it is important to consider how this may influence their experiences as professionals and within an organization.

The ratio of social workers to attorneys and other advocates is important because it indicates the level of social work capacity relative to the organization's caseload. In this sample, the ratio of number of attorneys/advocates per social worker ranged from **2:1 to 22:1, and averaged 8:1**. The case studies revealed that this ratio often related to differing service models: where there are comparatively fewer social workers, they tend to be assigned to specific units and/or only referred cases in selective circumstances; where there are comparatively more social workers, they tend to work across a wider range of legal areas and/or be assigned to a higher percentage of cases.

Again, the ratio of social workers to attorneys/advocates reflects the design and purpose of the program rather than conforming to a one-size-fits-all standard. Similarly, the existing staffing levels and ratios reported here simply represent the current landscape and it should not be assumed that social work programs are necessarily funded at the appropriate levels.

Social work student interns play an important role in social work programs in legal aid. Almost half (**47%**) of the responding organizations have social work student interns, on average hosting four interns, with most interns pursuing an MSW. **The Los Angeles Center for Law and Justice** is an example of an organization that provides its social work services by supervising a large number of MSW interns working as Community Care Advocates, enabling the organization to provide social work support for almost all clients accepted for full-scope representation.

The staffing of social work programs is also related to caseloads. Caseloads for social workers reported in the survey varied, but, typically, these fell in the range of **15 to 35**. Reported caseloads also varied considerably by legal area and the complexity of psycho-social needs among the client base. For example, a social worker working with housing clients might carry a higher caseload than a social worker working with immigration clients because housing cases move quickly and immigration cases often move more slowly and often require an enhanced level of support as clients engage with traumatic experiences in their past in order to assert their legal rights.

As in legal aid organizations more generally, there is often considerable demand for social work support and social work practices have to carefully manage caseloads or expand capacity to keep caseloads sustainable.

Challenges in Operating a Social Work Practice

Beyond the core issues of ethics, funding and staffing described above, legal aid programs can encounter a range of additional decisions or challenges in operating a social work practice.

The importance of establishing the professional status of social workers within legal aid organizations was a major theme in survey responses and case studies. Attorneys may not initially understand the professional training and skills that social workers possess and the role that they might play in assisting clients, including how ethical responsibilities will be managed. A number of organizations encountered this barrier when they first established their program and as a result invested greater time in educating attorneys about social work and in forming connections between the professions.

Organizations also reported the need to counteract internal cultural hierarchies that assume a superior status for attorneys. **For example, some programs had problems with attorneys treating social workers as an assistant, when in reality they should be treated with the respect accorded to another professional.** The overriding theme was the importance of establishing social work as an equally important discipline with an essential voice in the organization.

There are also new complexities regarding program administration in an interdisciplinary environment. For instance, an organization may have several law offices under one umbrella organization, and so each social worker is housed in a different office, causing challenges in developing a cohesive program and uniform policies for social work. There is also a need to develop forms and processes for referring cases from attorneys to social workers and deciding whether social worker case notes should be tracked together with the attorneys' or maintained separately.

Case Study: Bay Area Legal Aid (BayLegal)

Overview: For years, Bay Area Legal Aid has seen the need for social workers on staff to partner with attorneys to more effectively serve high-needs clients. Finally, in 2015, BayLegal secured funding to hire two full-time social workers to collaborate with attorneys to more effectively serve high-needs youth clients experiencing homelessness.

Subsequently, BayLegal secured additional funding to add a social worker to the San Francisco housing practice and another to the San Francisco Social Security/homelessness practice. Social workers have also supervised social work interns to support our domestic violence attorneys. The three social workers also serve as resources to all BayLegal attorneys across all its programs.

The introduction of social workers was in response to the significant amount of time attorneys spent addressing non-legal needs to stay engaged with their clients and informed about their lives. In addition to providing expert legal advice and representation, the attorneys found themselves providing case management and crisis intervention and scrambling to connect clients to non-legal resources, despite not being trained to do this extra work, nor having sufficient time to do it.

Social workers were added to unpack the multitude of issues - trauma, homelessness, threats to safety, mental illness, and service disconnection – that were obscuring the legal issue or making it difficult for the client to engage. BayLegal is striving to further grow the number of social workers throughout the firm.

Focus: Housing, income maintenance, youth justice, and ultimately all practice areas

Caseload: The caseload for social workers varies quite a bit. Some social workers may have 30–40 cases, while others maintain about 15. The caseload depends on the complexity of the case and issues involved. This number also does not reflect the cases social workers consult with attorneys or practice groups on.

Process: BayLegal developed forms and processes for referral of cases from attorneys to social workers, assessment of need, and documentation of services. Attorneys and social workers meet in weekly case review to discuss client issues, and work in a collaborative, multi-disciplinary approach.

Who Receives Social Work Services?

Clients are provided social work services on a case-by-case basis depending on their need.

There are specific client vulnerability factors that indicate social work support would be helpful, namely clients who are experiencing crisis, homelessness, safety concerns, service disconnection, and severe mental health symptoms.

What Social Work Services Are Offered? Social workers are brought on to cases to help meet clients where they are and help them deal with their trauma, as well as keep them engaged in their legal case. Services that are offered include, but are not limited to, counseling, linkage to services and coordination with other providers, housing advocacy, and emergency services. Assistance might also include help applying for benefits, appointment accompaniment, connection to food, education, health and various community resources, counseling on a range of issues, and more. BayLegal social workers also provide technical assistance to attorneys across practice areas on a range of issues, such as safety planning, crisis de-escalation, boundary setting, shelter and housing resources, and client engagement. Social workers provide staff trainings firm wide on these and other issues.

What Does the Social Work Practice Seek to Achieve? The role of the social worker is to engage clients in crisis, help them identify goals for safety and stability, and help them to effectively use their BayLegal attorney and other resources to achieve those goals.

Attorney-Client Privilege and Mandated Reporting: Social workers are covered under attorney-client privilege and are not mandated reporters.

Professional Challenges Between Lawyers and Social Workers: When social workers were initially brought on the team, there was a learning curve for what cases to refer to social workers and how they could assist, as attorneys were so used to handling every aspect of the case alone. The two disciplines also learned about each other's communication styles, culture, roles, areas of expertise, and how to coordinate their services in a fast paced and sometimes unpredictable setting. Things are now running wonderfully - an interdisciplinary collaboration distinguished by its high level of mutual respect and support.

Will the Practice Grow, Stay the Same, or Shrink? Planning to grow.

Case Study: Los Angeles Center for Law and Justice (LACLJ)

Client Story: “Lauren* came to LACLJ terrified. As a devoted mother of two beautiful kids, she was scared for her life. Lauren's ex had abused her throughout their relationship, frequently hitting her and raping her. When he was convicted of domestic violence, she received a criminal protective order and finally felt a sense of safety and relief. But he continued to harass her. Lauren had to move her family at least three times to keep them safe. But he kept finding out where she lived and showing up to her home. She was scared she wouldn't be able to protect her children. Lauren came to us for help. We represented her in court and were able to secure her a permanent restraining order so she doesn't have to go through the process again. The court also ordered her abuser limited visitation rights, so he can only see his children in supervised therapy sessions. We also connected her to community resources so she could find a safe, confidential home. Lauren is hopeful. She feels safe again and is looking forward to starting anew.” *Name anonymized

Overview: LACLJ's social worker program is largely volunteer-based. Their particular model is different from others because they seek to reach clients at the crux of their needs at the intersection of social and legal services, and not at the after effects. In working as part of the legal team, social workers are able to consult and work with the client to build skills and knowledge. An attorney might offer legal options and a social worker is there to explore other supportive services options and act as their advocate so they are in a better position to understand their rights and participate in their legal case as an equal and central contributor. The belief is that through this approach, clients are able to achieve greater long term outcomes at the conclusion of their legal matter because they have additional supports in place. This ensures the attorney and the social worker work together with the client, rather than siloed from one another.

Focus: Domestic violence, sexual assault, economic agency, education, employment, family, housing, immigration, psycho-education and safety planning, victim advocacy, referrals and coordination of services (mental health, public benefits, shelter, food)

Caseload: Every social worker is assigned to a legal team. The attorney's caseload is the social worker's caseload, and the attorney assigns the casework after a legal assessment and screening for supportive services needs that impact the client's current circumstances. Social workers working on immigration cases may have 75–100 cases at a time but not all are active at the same time. On average, each social worker has about 10–20 active clients that require follow-up or action at a given time.

Process: If a client is being seen by an attorney for more than advice and counsel, a social worker will be assigned to clients who were screened for a more comprehensive assessment utilizing a client interview and a modified Arizona Self-Sufficiency Matrix (ASSM). Clients are then given the option of working with a social worker to provide accompaniment, advocacy, skill building resource and referral, psycho-education, crisis support/safety planning and other supportive service navigation as deemed necessary.

Who Receives Social Work Services? All clients receiving more than just advice and counsel from an attorney.

What Social Work Services Are Offered? The services provided depend on what is needed by the client. The social worker will do an initial interview to determine what those needs are and then help connect the client to resolution of those needs.

In some cases, clients may just need an advocate to humanize the situation and ensure they are not re-victimized while going through their legal case. In other instances, safety planning, crisis management, and connection to services like victims assistance programs are utilized. In some cases, the social worker helps the client prepare documents or connects them to the proper local agency where they can receive services.

What Does the Social Work Practice Seek to Achieve? The social work practice seeks to teach and empower the client to understand their rights so that they can advocate for themselves, and by themselves, when needs arise in the future.

Attorney-Client Privilege and Mandated Reporting: Clients contract for legal services and sign a legal retainer. The social workers, as part of the legal team, are covered under attorney-client privilege and act as advocates within the scope of the legal services, and therefore are not in a position to act as mandated reporters. Supportive services assigned are screened prior to assignment to CCA and only offered as part of the legal services being provided. Social work services are not offered separately from the legal services, and all services conclude at the termination of legal cases. The organization works very collaboratively and uses working groups with attorneys, social workers, and directors to determine the best course of action regarding potential issues after the initial screening.

Professional Challenges Between Lawyers and Social Workers: The main pressure point is when an issue arises around confidentiality and mandated reporting. The team works collaboratively to resolve these issues.

Will the Practice Grow, Stay the Same, or Shrink? The organization hopes to secure more funding to grow the practice.

Delivering Social Work Services: Intake, Assessment, and Case Management

As described above, social work practices in California legal aid organizations vary widely in terms of the role of social work in the delivery of legal services and how these social work practices are designed, funded and staffed. These decisions are all intrinsically connected to the level and type of social work services that legal aid organizations intend to provide to their clients.

This section describes some of the different models of client service operating across the California legal aid sector.

Connecting the Client to the Social Worker

Most commonly (**73%**), legal aid organizations only connect some clients to a social worker, and it is decided on a case-by-case basis. Organizations that operate this kind of internal referral model typically have a set of screening criteria to identify clients that may benefit from social worker support, such as immediate housing instability, food scarcity or mental health issues. Often (**47%**), the connection between the client and social worker occurs at an early stage in the case, at or shortly after initial intake, but some (**20%**) do so at a later stage in the case, such as after the client has met with an attorney.

Connecting Clients to Social Work Services

We only connect some clients to a social worker, decided on a case-by-case basis

We typically connect all of our clients to a social worker

73%

13%

Some organizations had experienced difficulties in relying on this mechanism for issue-spotting and had arranged for social workers to meet with attorneys to help identify clients who have support needs or involved social workers in case reviews. Attorneys will often connect clients to social workers if they find that they are struggling to productively engage the client in the steps required to pursue the legal case; there are also many situations in which attorneys consult with social workers on how to work with clients but do not actually refer the client to the social worker for direct assistance. Under an internal referral model, the ratio of social workers to attorneys/advocates influences how many clients can be referred whilst maintaining sustainable caseloads for the social workers.

There are some organizations (or units within organizations) that connect their clients to a social worker as a matter of course and operate a universal model of social work support. These tend to serve populations with particular needs, such as **Legal Services for Children** and **Los Angeles Center for Law and Justice**'s work with survivors of domestic violence and sexual assault. A higher level of social worker capacity is generally required to operate this kind of model.

In some cases, there are also established external referral pathways that result in clients being referred by the county or other agencies to legal aid organizations for a combination of legal and social work services. There are also social work practices that conduct outreach, for example in homeless shelters or seniors centers, to ensure that they are engaging populations that may benefit from support but may be less likely to contact legal aid organizations for help.

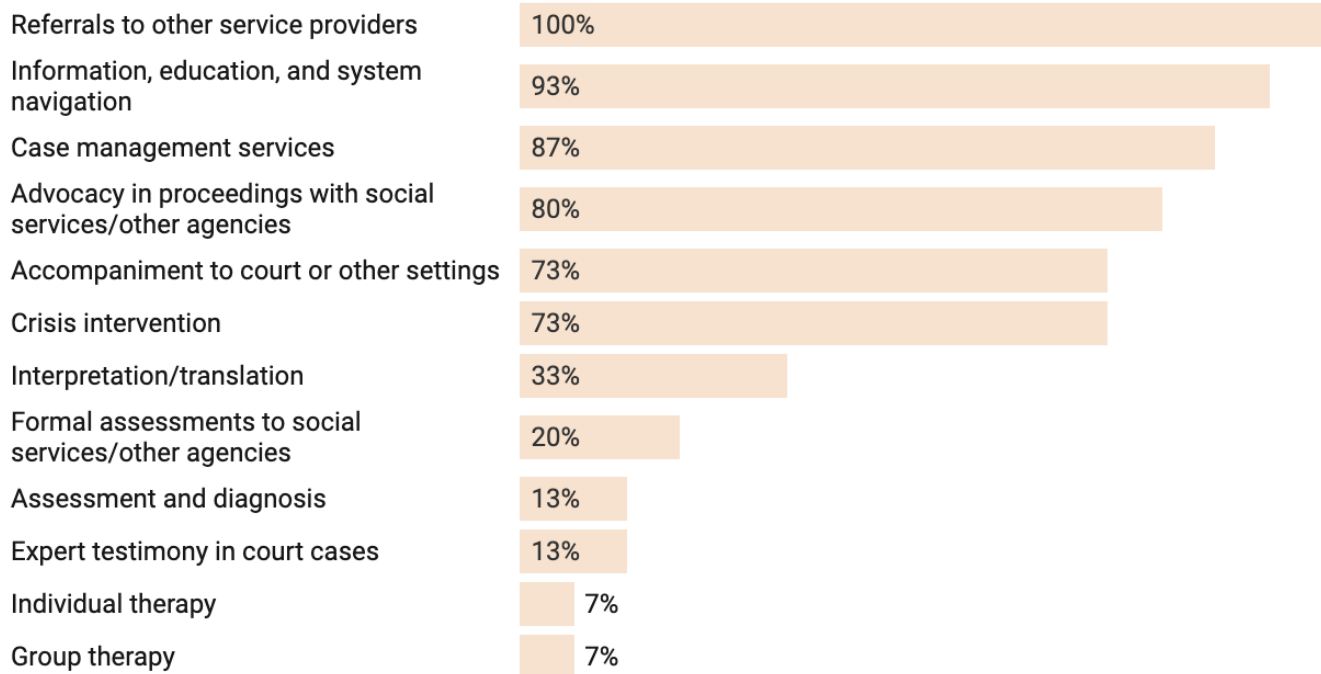
Services Provided

The specific social work services provided are, again, intrinsically connected to the type of legal services provided and populations served. However the survey data and case studies revealed a set of social work services that are typically provided in legal aid settings.

An initial assessment of the goals, strengths, and support needs of the client was almost universally described at the first stage in social work services. Social workers often emphasize the importance of their role in listening to clients on their own terms as the foundation of developing trust and forming productive relationships. Through this process, social workers may identify information that may not be identified through a traditional legal screening but may be of considerable importance to the client, influence how the client engages with their attorney and the legal case, and in some cases furnish facts that are materially relevant to the legal case.

After the initial assessment is complete, social workers typically develop a case management (**87%**) plan that will inform the support that they provide to the client through the duration of their legal case. This plan is reviewed and adjusted through the ongoing relationship between the social workers and the client; for example, as the social worker develops greater trust with the client, they may identify additional support needs that were not evident at the outset of the case. In most cases, the social worker is a part of the client's interdisciplinary team, so case management is intrinsically connected to the overall progress of the legal case.

Services Provided by Social Work Practices



One of the most fundamental services provided by social workers in legal aid is information, education, and system navigation (**93%**). Clients are often experiencing pressures and needs that lie at the intersection of many governmental and bureaucratic systems and social workers are trained to support clients in navigating these challenges.

One of the most common services provided is to support clients in applying for public benefits so that they can gain more stable income that is foundational to stability more generally. There are however an array of administrative procedures that social workers can assist clients with, such as accessing medical care, dealing with utilities, or obtaining police reports. In some cases, social workers also provide interpretation and translation (**33%**) to help clients access services.

A closely related service provided by social workers is referrals to other service providers (**100%**), such as providers of housing and shelter or psychological services. It is particularly important that social workers have the contacts and dedicated time to enable them to provide warm referrals (**93%**), which means they contact the service provider on the client's behalf and ensure that the connection is made.

As the social worker is working with the client, they pay close attention to their emotional and mental wellbeing. In particular, social workers often provide crisis intervention (**73%**) for clients who are in crisis. Crisis intervention can help clients to regain stability, and this can be critical for enabling the client to remain engaged in their legal case rather than disengaging or withdrawing entirely.

Social workers also support clients with advocacy in proceedings with social services/other agencies (**80%**) and accompaniment to court and other settings (**73%**). In some instances, the advocacy/accompaniment may be directly related to their legal case, and in other instances it may be related to an adjacent need in the client's life. Social workers stress that these settings can be both traumatizing and/or re-traumatizing for clients and their role is to provide clients with support and techniques for handling these situations. Examples include immigration clients who are required to describe traumatic experiences in declarations supporting their immigration petitions or clients in family law/domestic violence who are required to come face-to-face with their abusers in court.

Beyond the services described above, there are also an array of other services that are provided more selectively among more specialized legal aid organizations or practice units. These include providing formal assessments to social services and other agencies (**20%**), assessment and diagnosis (**13%**), expert testimony (**13%**), and individual and group therapy (**7%**).

Case Study: Community Legal Aid SoCal

"I am here to support, fortify and fight for my clients. I really try to focus on their dignity and self-worth. I see our role as giving them tools to be successful."

Overview: Community Legal Aid SoCal's recently founded case management practice started with supporting clients in the domestic violence and immigration practice areas. There are currently two case managers who support clients referred to them by the legal staff. The program provides case management services in a framework for clients who have often experienced significant trauma connected to their legal cases.

Focus: Domestic violence, immigration, housing, and economic maintenance

Caseload: 10 to 15

Process: Clients typically first contact Community Legal Aid SoCal via a clinic (e.g. restraining order clinic) or the hotline. After intake and eligibility screening, they are assigned to a legal unit based on their legal issue and the legal staff meet with the client to assess their needs. At this stage, the legal staff may offer to refer the client for case management services.

Who Receives Social Work Services? Case management services are provided on a case-by-case basis. Referrals are triggered by a series of indicators including food scarcity, lack of medical insurance, unstable housing, membership of a marginalized group, emotional and mental health issues, disability status, or need for interpretation/translation support. In some cases, attorneys seek support from case managers when they are having difficulties in their relationship with clients.

What Social Work Services Are Offered? Case managers provide a wide range of services. They will accompany clients to court because the legal process often requires clients to re-live traumatic experiences that are relevant to the legal cases. When clients experience crises, both in and outside of court, they provide clients with tools to help them regulate and de-escalate the situation. More generally, case managers provide information, education and referrals, and often provide interpretation and translation for Spanish-speaking clients.

What Does the Social Work Practice Seek to Achieve? Overall, the goal is to support the client so that they can more fully participate in the legal process.

Case managers strive to honor the dignity, autonomy, and worth of the person. The trust and rapport that case managers build with clients can help clients engage more fully with the interdisciplinary legal team on their case and achieve better legal outcomes, for example by supporting clients to open up about facts that may be beneficial to their legal case.

Attorney-Client Privilege and Mandated Reporting: Community Legal Aid SoCal's case managers are part of the interdisciplinary legal team and work under attorney-client privilege.

Professional Challenges Between Lawyers and Social Workers: Community Legal Aid SoCal has employed a range of strategies to help build awareness and understanding of case management services among legal staff, including training and helping legal staff explain to clients why they are offering a referral for case management services. The case managers continue to contribute "Case Management Corners" to staff meetings and believe it is essential to frame case management from a legal perspective to gain understanding among legal staff.

Will the Practice Grow, Stay the Same, or Shrink? Although the practice is still relatively new, the case managers have received growing requests for assistance during the pandemic. Community Legal Aid SoCal just secured funding to expand services to clients with housing law and economic maintenance issues.

Case Study: Legal Services for Children

“I can’t imagine young people going through these legal proceedings without a social worker to provide warmth, gentle support, and emotional support.”

“It benefits attorneys because they can focus on the legal goals without having to also provide extensive emotional support; having a social worker there allows each professional to provide their expertise.”

Overview: The social work practice focuses on immigration cases, including serving detained youth, along with other practice areas, such as guardianships, dependency, school discipline cases, and foster care. The social work program is hugely beneficial, especially due to the fact that young people are navigating these legal proceedings and it is enormously helpful to have someone provide that emotional support that is separate from the legal help.

Focus: Immigration.

Caseload: 35 to 50.

Process: First, the young person calls into intake. Intake then explores whether they can take the case. They bring the case to staff meeting to explore whether there is social work capacity for it.

The attorney and social worker coordinate on the case, including communicating with the client about what they each offer as well as the social worker’s mandated reporting responsibilities and attorney’s obligation to attorney-client privilege. Some clients have to have a social worker, but, generally, if it seems at any point that the social worker is no longer necessary, such as after the legal case reaches a positive outcome, the social worker is optional. The social worker meets the client where they are at, checking in as frequently as the client wants, and letting the client know they can opt out.

Who Receives Social Work Services?

Anyone. Most young people who call into intake can get a social worker.

What Social Work Services Are Offered?

The services offered vary by practice area, but generally the social worker engages in additional support, to check in, provide emotional support, refer the client to mental health services, and more (e.g., housing, jobs/internships, assisting in court proceedings, accompaniment to court).

What Does the Social Work Practice Seek to Achieve?

The mission is to provide holistic support services. This also takes pressure off of the attorney by allowing them to concentrate on the client’s legal needs, and the social worker can focus on social services and emotional support, which is especially critical in immigration services.

Attorney-Client Privilege and Mandated Reporting: Client notes are kept separate if there is a mandated reporting issue with a shared client. The social workers are all mandated reporters, which is communicated to the young people, informing them that attorneys will not violate attorney-client privilege, but that the social worker has an obligation to report certain events.

Professional Challenges Between Lawyers and Social Workers: There is a huge level of respect between the professions. They appreciate each other's skillset. The attorney answers the client's timeline questions and produces paperwork necessary for the legal claim. It also gives the young person two different people to talk to. Everyone is really passionate and dedicated to the work of the organization. Open communication is critical.

Will the Practice Grow, Stay the Same, or Shrink? Grow. The objective is to reach a 1:1 ratio between attorneys and social workers.

The Impact of Integrating Social Work into Legal Services

There are a number of critical benefits identified by organizations with social work programs. Most organizations identified the main benefits as falling under four themes: (1) providing the best services possible by engaging a client holistically; (2) enabling the client to meaningfully participate in the legal case; (3) reducing the negative, traumatizing impact of the legal system on clients; and (4) enabling attorneys to improve legal outcomes by focusing on the legal matters of the client's case.

Organizations found the involvement of a social worker allows their services to go beyond just focusing solely on the legal issues of the client. This gives the organization the latitude to serve the overall wellbeing of the client as a full-spectrum service. Through holistic support, the social worker can help the client navigate processes like applying for public benefits, completing a housing application, or going to a medical appointment, all of which helps the client progress toward a positive life outcome.

Given that the missions of legal aid programs often focus on substantive social goals, such as preventing homelessness or supporting survivors of abuse, the integration of social work is directly relevant to these goals.

Organizations also find that social workers enable clients to more meaningfully participate in the legal case. The social worker develops trust with the client, helps them stabilize, and provides them with space to both navigate the intersecting issues connected to the legal matter as well as the legal matter itself. Indeed, sometimes social workers can identify new information that can materially benefit a client's case. Social workers help the client stay engaged in the legal process, while also assisting the lawyer in understanding the client's goals and perspective and giving them strategies to navigate tensions or challenges in their relationships with clients.

Additionally, organizations see a benefit in social workers increasing the provision of services in a trauma-informed approach. The legal system is often both a traumatizing and re-traumatizing place. Social workers have specific training that the lawyers usually do not, such as in crisis de-escalation, strength-based services, and the clear setting of boundaries. The social worker can assist disenfranchised and marginalized clients feel more empowered, both inside and outside of the courtroom.

Finally, **the social worker can free the attorney up to concentrate on those purely legal aspects of the case and improve legal outcomes.** Many legal aid lawyers already go the extra mile for their clients and engage in social work-style services because they want to address the myriad intertwined issues a client might be facing. However, sometimes this might take time and energy away from the legal work the lawyer has to perform. Consequently, the fact that an attorney can devote their already-limited resources to ensuring the best legal outcome means they can focus on being an attorney. This may in turn assist legal aid lawyers with their experiences of burnout, exhaustion, and secondary trauma by allowing them to more easily delineate between their legal work and the work of the staff social worker.

Case Study: Bet Tzedek Legal Services

“We are a team. . . Each of us in our area, holding hands with each other, to help the community and our clients. We go beyond.”

Overview: The social worker teams up with attorneys to work with clients to help define goals and address barriers that clients face in achieving their goals, including access to basic necessities and mental health issues (e.g., cognitive decline and capacity issues, substance use, domestic violence). The social worker helps the attorneys understand these barriers and supports the attorney to work effectively with and for each client to achieve and sustain desired outcomes, including support and follow-up to check in on wellbeing.

Funding: Victims of Crime Act (VOCA)

Focus: The Elder Justice Team focuses on prevention of and intervention regarding elder abuse and fraud (including homeowner protection), elder abuse restraining orders, advanced-planning tools, and general elder law matters. They also assist veterans.

Caseload: Between 25 and 35.

Process: The process begins as early as possible. The client calls into the organization and, before speaking with an attorney, the social worker performs an intake to understand the person’s situation, including housing and mental health statuses. The social worker conducts an evaluation and assessment. Before COVID-19, there could be a meeting at the individual's home or in a public place. Similarly, if the attorney finds there are social service needs for a client, then the client is connected to the social worker as well. The new calls are discussed in case review where the team makes a plan, which often includes social worker contact in the early stages. If a case is accepted, they determine what the social worker can do in tandem with the attorney to support the client through the legal service delivery timeline. In addition, even if a client’s legal needs cannot be addressed, they frequently have the social worker contact the client to help guide them to other resources.

Who Receives Social Work Services? They consider the social needs in every case, but 95% of clients receive some type of social services.

What Social Work Services Are Offered? The services provided depend on the social worker’s assessment, which includes cognitive or capacity ability.

For example, a food insecure senior might be connected with Meals on Wheels. If the individual needs transportation, they connect them with Access Transportation. Other referrals can be for utilities or medical needs.

What Does the Social Work Practice

Seek to Achieve? This work allows clients to address barriers that interfere with their ability to effectively participate in the legal services delivery process and to support them through that process to achieve sustainable and empowered goals. In turn, this allows the lawyers to untangle social needs from legal needs in order to better help the client reach effective outcomes. It also helps prospective clients who do not end up receiving legal services get connected to other providers to address their social needs, such as regarding food insecurity or counseling. Ultimately, while an individual comes to the organization to seek help for a legal issue, most individuals also present with many social issues interconnected with that legal issue, and the social worker can take the action that the attorney will not be able to take due to capacity or expertise. An example might be a client who comes in for a restraining order and they simultaneously need assistance in receiving mental health services, accessing a support group, securing food or housing resources, or resources for the other myriad intersecting issues.

Attorney-Client Privilege and Mandated Reporting: The social worker is not a mandated reporter and is under the attorney-client privilege, but when he suspects something should be reported he encourages the client to report it themselves.

Professional Challenges Between Lawyers and Social Workers: A major strength of having both social workers and lawyers is that the clients can receive holistic, wraparound services to empower them and achieve a sustainable result. They have not experienced professional challenges working together. It continues to be a productive collaboration and attorneys appreciate that they can better serve and understand client strengths and challenges by teaming up with the social worker.

Will the Practice Grow, Stay the Same, or Shrink? Grow. There are a lot of calls in the context of COVID-19 with people looking for assistance regarding senior issues, housing, financial issues, and mental health. They expect the social work practice to grow and would like to bring on more social workers to assist all teams, including, for example, a Russian-speaking social worker to serve their Holocaust Survivor Services practice and others to assist teams working to prevent and end homelessness and support employment rights and immigrant and LGBTQ rights.

Case Study: Legal Aid Society of San Diego

“Holistic problem solving is key to client health, happiness, and self-sufficiency.”

“Attorneys try to be the bridge for solving the client's needs, but case workers are truly the bridge, closing the gap between legal needs and life needs.”

Overview: The case management program was created with a holistic approach in mind and a desire to impact each client as a whole. The program started by the County Behavioral Health Department recognized that clients need help being connected to programs and advocating for benefits. Legal Aid Society of San Diego started the program as the county-designated Patients' Rights Advocate for outpatient behavioral health services more than 20 years ago and has evolved into senior care, housing, and benefits, amongst other areas. The case worker helps the client by focusing on all of their quality of life issues, which allows the attorney to focus strictly on solving the clients legal issues. The goal for the case worker is to connect clients to longer term and community-based programs that impact each client's life, far beyond their legal case.

Focus: Consumer, behavioral health, disability rights, health and long-term care, housing, benefits advocacy

Caseload: Approximately 15 to 20 cases (during non-Covid times).

Process: The intake process is different depending on which team the client is being referred to. Pre-COVID-19, case workers were able to go into low-income housing, senior facilities and homeless shelters to do need assessments and open cases. Outreach and face-to-face contact has drastically changed since the pandemic began and most cases are referred through the phone or email. Additionally, LASSD has a long-term partnership with San Diego County and the county sends the organization referrals and looks to them for help based on the organization's expertise. The most common cases referred by the county are those clients who are experiencing problems accessing Medi-Cal and separately as the Patients Rights Advocate, our staff are contacted by clients with mental health or substance abuse conditions seeking assistance filing a grievance or seeking denied services.

Who Receives Social Work Services?

Clients are connected to case workers on a case-by-case basis from the various practice teams. The majority of referrals are received from the housing and SSI teams.

What Social Work Services Are Offered?

The services provided depend on the initial needs assessment, which includes cognitive or capacity ability. For example, an individual needing to obtain an identification card can be connected with the resources to obtain one. If the client needs connections to public benefit forms, advocates can help them through this process. Other referrals can be for utilities assistance, medical needs, behavioral health services, or housing services.

What Does the Social Work Practice Seek to Achieve?

The case management or social work practice seeks to provide holistic help from both the legal and social professionals. The focus of these professionals is to coordinate and connect clients to needed community services, not just legal services. By focusing the practice in this way, client stories are heard and their needs are met outside of the original legal need they may have requested assistance with. This process benefits the organization and the attorneys by allowing the attorney to learn more about their clients and have the privilege of providing lifelong assistance rather than just temporary care.

Attorney-Client Privilege and Mandated Reporting: The case worker is covered under attorney-client privilege.

Professional Challenges Between

Lawyers and Social Workers: The attorneys and social workers work together really well.

Case managers are available for last minute requests that may come from the attorneys regarding an urgent need such as a pending eviction. Individual capacities are limited on all fronts which can create challenges when attorneys need more from a social worker than they are able to provide in that moment, or vice versa. This includes the shortage of affordable housing in San Diego County and the difficulty many clients face with a poor credit history or insufficient income.

Will the Practice Grow, Stay the Same, or Shrink?

Grow. Through COVID-19, the program has received emergency flex funding from both the county and a private foundation. This enables the case managers to provide assistance with rent, moving expenses, groceries, utilities, to name just a few. In addition, funding has been received to use case workers, some specifically to be on site at homeless service providers and when safe, once again at the downtown senior center.

Case Study: Inland Counties Legal Services (ICLS)

Overview: ICLS has practice groups based on different areas of law, including public benefits (e.g., Social Security, CalWORKS, CalFresh). The program provides services that give clients the ability to connect to additional resources; the social workers reduce barriers because they can do the work for the client of locating those services.

Focus: The social workers are mostly involved in assisting clients with SSI/SSDI. They support ICLS' implementation of their San Bernardino County Housing and Disability Advocacy Program (HDAP) grant, which is designed to assist individuals experiencing chronic homelessness obtain permanent housing, mental health treatment, and public benefits. ICLS and its social workers are responsible for providing the legal services portion, which helps individuals find stability by accessing sustainable income through SSI and SSDI benefits.

Caseload: 25 to 30 cases

Process: The social worker is the initial point of contact for intake and then performs the client interview.

Who Receives Social Work Services? Just the HDAP clients are receiving services, but there is potential to expand.

What Social Work Services Are Offered?

Intake, interview, resource support and referrals, request for medical records as needed and assessment for treatment, preliminary review for the legal advocate, outreach (pulled back due to COVID-19).

Attorney-Client Privilege and Mandated Reporting: Not mandated reporters, covered under attorney-client privilege.

Professional Challenges Between Lawyers and Social Workers:

A strength is that they are able to connect with clients at a deeper level because they have more staff assigned. They have an advocate and a social worker, and are able to maintain a better connection with and see the various sides of clients.

Will the Practice Grow, Stay the Same, or Shrink? Would like to see it grow, but tied to the HDAP funding at this point.

Case Study: Legal Assistance for Seniors (LAS)

“As much as we try to do warm handoffs and partnerships, we get better results when we can provide more services in-house because it’s more coordinated and we can ensure clients don’t slip through the cracks.”

Overview: The practice was launched about a year and half ago, in connection with the Home Safe pilot from the California Department of Social Services. This pairs legal services with case management and housing navigation services. Prior to this, LAS did not have social work services, but had wanted to.

Focus: Housing is the most common issue. More specifically, the program involves receiving referrals from Adult Protective Services (APS) for seniors and dependent adults with housing instability issues having to do with abuse, neglect or self-neglect.

Process: After APS referral, there is an assessment of the client’s needs. Because the pilot is concentrated on a “housing first” agenda, the client will receive services having to do with making their housing sustainable (e.g., getting cleaning services for habitability, or, if the place is unsustainable, getting someone to an affordable place, such as via Section 8).

Who Receives Social Work Services? They exclusively come through APS referrals.

What Social Work Services Are Offered?

The referral includes case management, including housing navigation, and legal services, but can also just include one or the other.

What Does the Social Work Practice Seek to Achieve? Clients have so many needs that are outside or ancillary to their legal needs. It is inefficient to have attorneys doing non-legal work, but clients need those supportive services, and this is the role of the social worker. By working with a social worker, the attorneys have more time to focus on the legal-specific issues.

Attorney-Client Privilege and Mandated Reporting:

LAS trains social workers on the ethical obligations of attorneys, including capacity and confidentiality. Whatever rules apply to attorneys apply to our social workers. Social workers can engage in reporting, but not really mandated reporting in the technical sense, except perhaps in an immediate harm type of situation.

Professional Challenges Between Lawyers and Social Workers:

LAS has not received a lot of legal referrals through this program, so mostly working on cases done by social workers. But, communication is important regarding what is needed by all parties.

Will the Practice Grow, Stay the Same, or Shrink? Expect and hope that it will grow, including expanding to other areas of law beyond housing. LAS is currently seeking other funding to continue providing social work services in case the Home Safe program is not extended.

Acknowledgements

Thank you to thoughtful insights from our Working Group members, who participated in helpful discussions and provided feedback regarding the survey and their experiences with social work integration into legal aid. Thank you also to the survey respondents as well as the case study participants.

Appendices

Appendix A

California Legal Aid Organizations with Social Work Practices as Identified in Survey:

- AIDS Legal Referral Panel
- Alameda County Homeless Action Center
- Bay Area Legal Aid
- Bet Tzedek Legal Services
- Community Legal Aid SoCal
- Dependency Advocacy Center
- East Bay Community Law Center
- Inland Counties Legal Services
- Law Foundation of Silicon Valley
- Legal Aid Society of San Diego
- Legal Assistance for Seniors
- Legal Services for Children
- Los Angeles Center for Law and Justice
- Neighborhood Legal Services of Los Angeles County
- Public Counsel

Appendix B

California Legal Aid Organizations with Social Work Practices Participating in Case Studies:

- Bay Area Legal Aid
- Bet Tzedek Legal Services
- Community Legal Aid SoCal
- Dependency Advocacy Center
- East Bay Community Law Center
- Inland Counties Legal Services
- Legal Aid Society of San Diego
- Legal Assistance for Seniors
- Legal Services for Children
- Los Angeles Center for Law and Justice
- Neighborhood Legal Services of Los Angeles County

Appendix C

Survey Questionnaire

Survey of Social Work Practice in California Legal Aid Organizations

Thank you for completing the LAAC/OneJustice survey of social work practice in California legal aid organizations. If you have any questions or difficulties completing this survey, please email research@one-justice.org for support.

Your organization's response to this survey is confidential. Results will only be reported in the aggregate. We may quote responses to the survey in our report, but these will not be attributed without prior consent. The survey includes an option to volunteer to provide a case study of your organization's social work practice for our report. * signifies a mandatory question.

- * 1. Please select your organization:
- * 2. Name:
- * 3. Job title:
- * 4. Email address:
- * 5. Does your organization currently have a social work practice?
 - Yes
 - No

(Questions 6-10 were asked to organizations selecting "No" for Question 5).

We are asking these follow-up questions to understand how legal aid organizations make decisions about whether or not to provide social work services.

- * 6. Please rate your level of agreement with the following statements (Strongly disagree, Disagree, Neither agree nor disagree, Agree, Strongly agree)
 - We haven't considered starting a social work practice
 - We are unsure how to start a social work practice
 - We are unsure how to get funding for a social work practice
 - We prefer to prioritize legal services provided by attorneys
 - We prefer to refer clients to social work services provided by other agencies

Please add any additional comments about your organization's decision-making about whether or not to provide social work services:

- * 7. Does your organization refer clients for social work services provided by local organizations? Please select all that apply.
 - Yes - warm referrals (we contact the organization)
 - Yes - cold referrals (we give clients contact information for organization)
 - No

Please add any additional comments:

* 8. How likely is your organization to start a social work practice in the future?

- Unlikely
- Possibly
- Likely

* 9. Would you like to receive further information from LAAC/OneJustice about social work in legal aid?

- Yes
- No

10. Please add any additional comments you would like to share about social work practice in legal aid:

* 11. Which legal practice areas do your social workers support? Please select all that apply.

- Conservatorship
- Consumer/Finance
- Disability Rights
- Domestic Violence
- Education
- Employment
- Family
- Guardianship
- Health and Long- Term Care
- Housing
- Immigration
- Income Maintenance
- Juvenile
- Other (please specify)

* 12. How many social workers (excluding interns) are currently employed to support these legal practice areas?

* 13. How many attorneys and advocates are currently employed in these legal practice areas?

* 14. Which of the following professional qualifications are held by your social workers (excluding interns)? Please select all that apply.

- Bachelor of Social Work (BSW)
- Masters of Social Work (MSW)
- Associate Clinical Social Worker (ASW)
- Licensed Clinical Social Worker (LCSW)
- Marriage and Family Therapist (MFT)
- Juris Doctor (JD)
- Other (please specify)

* 15. How many social work student interns are typically hosted by your organization each year, if any?

- None
- Number of interns:

* 16. Which qualifications are your social work interns working towards? Please select all that apply.

- Bachelor of Social Work (BSW)
- Masters of Social Work (MSW)
- Not applicable - we do not have interns
- Other (please specify)

* 17. Who is the direct supervisor for your social workers?

- A social worker
- An attorney with a social work qualification
- An attorney without a social work qualification
- Other (please specify)

* 18. Which of the following professional qualifications are held by the direct supervisor of your social workers/interns? Please select all that apply.

- Bachelor of Social Work (BSW)
- Masters of Social Work (MSW)
- Associate Clinical Social Worker (ASW)
- Licensed Clinical Social Worker (LCSW)
- Marriage and Family Therapist (MFT)
- Juris Doctor (JD)
- Other (please specify)

* 19. Does any member of your management team have a social work qualification? Please consider all positions at Director level, or equivalent, and above.

- Yes
- No

* 20. How is your social work practice funded? Please select all that apply.

- Legal Services Corporation grants
- State Bar grants
- Other federal government grants
- Other state government grants
- Other local government grants
- Foundation grants
- Individual and corporate donations
- Other (please specify)

* 21. For the legal practice areas that social workers support, approximately what percentage of the budget is spent on social work services?

- 1-10%
- 11-20%
- 21-30%
- 31-40%
- 41-50%
- More than 50%

* 22. How do you connect clients to social workers?

- We typically connect all of our clients to a social worker
- We only connect some clients to a social worker - it is decided on a case-by-case basis
- Other (please specify)

* 23. What type of social work model do you have?

- Our social workers are mandated reporters
- Our social workers are covered under attorney-client privilege
- Other (please specify)

* 24. When do clients typically first interact with a social worker?

- At an early stage in the case - e.g. at or shortly after initial intake
- At a later stage in the case - e.g. after meeting with an attorney
- Other (please specify)

* 25. What is the typical caseload for your social workers and interns?

* 26. Which of the following services are provided by your social work practice? Please select all that apply.

- Case management services
- Assessment and diagnosis
- Crisis intervention
- Individual therapy
- Group therapy
- Formal assessments to social services/other agencies
- Advocacy in proceedings with social services/other agencies
- Expert testimony in court cases
- Accompaniment to court/other settings
- Referrals to other service providers
- Information, education and system navigation
- Interpretation/translation
- Other (please specify)

* 27. How does your organization manage the differing ethical responsibilities of attorneys and social workers?

* 28. Does your organization refer clients for social work services provided by local organizations? Please select all that apply.

- Yes - warm referrals (we contact the organization)
- Yes - cold referrals (we give clients contact information for organization)
- No

Please add any additional comments:

* 29. In your experience, what are the benefits of incorporating social work into legal services? Please provide examples where possible.

* 30. What challenges has your organization experienced in setting up and operating a social work practice? Please provide examples where possible.

* 31. Can we contact you about a case study of your organization's social work practice? This will involve participating in an interview and providing additional information about your social work services.

- Yes
- No

* 32. Would you like to receive further information from LAAC/OneJustice about social work in legal aid?

- Yes
- No

33. Please add any additional comments you would like to share about social work practice