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THE PRACTICE OF SOCIAL WORK IN LEGAL SERVICES PROGRAMS

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ABSTRACT

Because the legal difficulties of the poor are frequently symptomatic of long-standing economic, social and personal problems, a small number of legal services programs have hired social workers to collaborate with attorneys. A questionnaire was sent to all social workers employed by legal services programs encountered, job satisfaction and need for continuing education. Data on 48 social workers were analyzed using descriptive statistics. Results indicate that social workers can increase the scope and depth of services delivered by legal services programs and also find considerable satisfaction in their work.

The effective delivery of legal services to low-income people demands a variety of approaches and skills in addition to the skills traditionally associated with the practice of law (Ferruggia, 1978; Wexler, 1970). Because the legal difficulties of the poor are frequently symptomatic of long-standing economic, social and personal problems, some legal services programs have hired social workers to work along with attorneys. Common values and goals shared by social workers and poverty lawyers form the foundation for a collaborative effort. The social work profession has traditionally been identified with service to poor people in the context of a social agency setting and has maintained, throughout its history, a dual focus on promoting social reform and facilitating the adjustment of the individual to existing

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situations (Meyer, 1976). Legal services attorneys share the goal of enhancing the lives of poor people through the provision of direct services to the individual and through the modification of socio-legal forces in society (Barton and Byrne, 1975).

Legal Services programs provide free legal representation to low income individuals in civil matters, educate the poor regarding their legal rights and responsibilities, seek to reform the laws that affect the poor adversely, and serve as an advocate for the poor in the social and political decision-making process (Goodman and Walker, 1975). Federal funding for legal services to poor people began in 1965 under the Office of Economic Opportunity. In 1974, the private, non-profit Legal Services Corporation (LSC) was created to receive funds directly from Congress and distribute this money to local legal services programs and a number of special projects. Since 1974, appropriations to LSC have more than tripled, and expansion of existing programs and establishment of many new programs to serve uncovered areas has been mandated. The 1980 appropriations of \$300 million funded some 335 field programs which operate about 1,200 neighborhood offices and employ more than 5,000 attorneys and 2,500 paralegals (Legal Services Corporation Annual Report, 1979).

Most of the literature on law and social work focuses on the interprofessional relationships of lawyers and social workers, emphasizing communication problems and potential role conflicts (Cook and Cook, 1963; Foster, 1965; Katz, 1961; Mueller and Murphy, 1965; Sloane, 1967). An early study on the interprofessional relationships between social workers and attorneys in a large legal aid program (Smith, 1970) suggested that role confusion could contribute to professional conflicts between social workers and attorneys. Social workers participating in the study worked with divorce, child custody, eviction, bankruptcy and emotional disturbances. Barton and Byrne (1975), on the other hand, emphasized the compatibility of value and goal orientation of social workers and legal services lawyers but noted differences in their methods and criteria of success of the two professions. Similar social work functions were identified in both of these studies. These included psychosocial assessment and recommendations, liaison with social service agencies, counseling, problem solving and referral. Ferruggia (1978) described additional responsibilities of a legal services social worker, including crisis intervention, in-service training, court testimony and supervision of social work interns. Arcuri (1980) examined the role of the social worker in legal services using Bartlett's (1961) framework for analyzing social work practice in non-social work agencies. Arcuri highlighted the necessity to define clearly the social worker's role within the context of legal services, while remaining cognizant of differences in professional values and methods.

METHOD

This study of social work practice in legal services involved a mail survey of social workers employed by legal services programs throughout the country. The research was sponsored by North State Legal Services of Hillsborough, North Carolina and East Central Community Legal Services of Raleigh, North Carolina.

In order to locate social workers employed by legal services programs, a letter was sent to directors of 370 programs funded, as of September 1980, by the Legal Services Corporation. All field programs, national support centers and special research projects were included. The letter asked if the program employed a social worker and requested the names of social workers. Responses were received from 287 programs (78%); 64 staff social workers and 19 social work students in field placements were identified. Questionnaires were mailed to the 64 social workers and responses were received from 52 social workers (79%). One completed questionnaire was discarded because the respondent functioned primarily as an attorney and three arrived too late to be included in the computations. Hence, the study includes 48 respondents.

The authors designed a five page questionnaire addressing five aspects of social work practice in legal services. The first section solicits basic information such as age, race, sex, training, prior employment and agency size. The second section lists a variety of work functions and asks the respondents to indicate which are routinely performed, which are performed most frequently and which are accorded most importance by social workers and program directors. The third section contains questions about the types of legal problems encountered. The fourth section addresses job satisfaction and dissatisfaction, and the fifth section contains questions on continuing education.

The data were analyzed, utilizing descriptive statistical procedures, for the full group (N=48) and for subgroups. Three sets of subgroups were formed for analysis: professionally trained social workers with BSW or MSW (N=32) and non-professionally trained social workers (N=16); and social workers providing predominantly direct case-related services (N=35) and social workers providing predominantly indirect services (N=13).

RESULTS

The 48 social workers studied ranged in age from 24 to 56 years with a mean age of 36 years. Thirty-eight were female and ten were male. Thirty-six were Caucasian, ten were Afro-American and two were Hispanic-American.

Of the social workers, 92% completed an undergraduate degree and nine respondents possessed the Bachelor of Social Work (BSW) degree. Fifty-six percent of the social workers held graduate degrees; 25 respondents earned the Master of Social Work (MSW) degree and 2 respondents received a master's degree in a related field. One-third of the total group participated in paralegal training ranging from a few weeks to more than a year. Respondents without graduate degrees were twice as likely to have attended paralegal training programs as respondents holding graduate degrees.

Over 90% of the participants in the study reported social work employment prior to their association with legal services. Two-thirds of the group had over 4 years of social work employment and one-fourth had between 1 and 3 years experience. The average amount of prior social work employment was over five years for workers with bachelors degrees and over eight years for graduate degree holders.

A variety of job titles were reported with the most common titles being social worker or legal caseworker. Less common titles were social policy analyst, administrator, and social worker/paralegal. Seventy-two percent of the social workers were primarily involved in providing case related services directly to individual clients, while 28% of the social workers primarily provided indirect services such as administration, community organization and policy studies. Over four-fifths of the respondents who were providing indirect services possessed a master's degree. Only 75% of the respondents provided salary information. The range of salaries was from \$10,000 to \$26,000 per year with \$16,000 as the mean for graduate degree holders and \$12,000 the mean for workers with bachelors degrees.

The size of the programs employing social workers varied considerably: 25% of the programs had a legal staff of fewer than ten, 45% employed a legal staff between 10 and 29, and 30% operated with a legal staff larger than 30. The larger programs were more likely to employ a trained social worker (BSW or MSW) and to utilize social workers in indirect services. The 48 social workers were employed in 36 different legal services programs; 58% of the social workers were the only providers of social work services in their program.

Social Work Services

The participants in the study were asked to identify from a list those services they routinely provided as legal services social workers. They also identified the types of services performed most frequently, the types of services considered most important by the social worker and the types of services considered most important by the project directors, as perceived by the social worker.

Six services were regularly provided by over two-thirds of the social workers: providing information to clients and staff about community resources (98%), referral of clients to other agencies (92%), advocacy by aggressively helping clients obtain needed services and benefits (88%), agency outreach through informing other community agencies about legal services (71%), crisis counseling with seriously upset clients (71%), collaboration with legal staff through provision of social work consultation on cases (69%).

Eight services were routinely provided by between one-third and two-thirds of the social workers. These services were: counseling to help clients develop strategies for problem solving (65%), participation in inter-agency committees to develop and coordinate services (65%), psychosocial evaluation by studying a client's emotional and social situation and giving recommendations to the attorney (63%), community education by providing training to community groups or using media to educate the community (60%), client outreach through communicating information about legal services to low income people (54%), providing inservice training to the staff in social work related areas (48%), organizational development by assessing problems and planning interventions to affect agency organization (35%).

Six services were routinely provided by less than a third of the social workers.

These services were: community organizing to facilitate formation of issue-oriented groups of low income people to work for change (25%), community needs assessment by utilizing research techniques to analyze community problems and develop intervention strategies to affect economic, legal or political systems (20%), chairing in-house staff committees involving organizational concerns (23%), legislative advocacy by analyzing, developing and lobbying for legislation (21%), management defined as participation in agency policy development and administration (21%), client council organization defined as developing client advisory councils (13%). Additional services or functions that were not included in the survey, but were suggested by some respondents were supervision of social work students, policy analysis and social sciences research.

The seven functions on which social workers spent most of their time were advocacy, information, collaboration, referral, problem-solving counseling, crisis counseling and community education. The tasks most valued by the social workers were advocacy, collaboration, crisis counseling, problem-solving counseling and community education. The project directors most valued advocacy, collaboration, community education crisis counseling and referral. Thus there were great similarities among services performed most frequently and services most valued by the social workers and services which they perceived to be most valued by project directors.

A comparison between professionally trained workers (MSW or BSW) and others, failed to show any significant differences concerning the services provided. As might be expected, direct service providers were more likely to be involved in referral, advocacy, crisis counseling, problem-solving counseling, psychosocial evaluation, court testimony, and collaboration than were indirect service providers. The indirect service providers performed more community organizing, community education, needs assessment, legislative advocacy, management, organizational development and training than did the social workers providing client services.

Types of Problems

The Legal Services Corporation utilizes a case classification system containing 18 categories of types of problems. The questionnaire listed all categories except real property and miscellaneous. Since the literature suggested that legal services social workers usually work with family, juvenile and public benefits problems, sub-categories for these three types of problems were also listed.

The majority of social workers routinely worked with four types of problems: public benefits (71%), family law (64%), juvenile law (52%), and housing (51%). These categories were also identified as the types of problems that social workers were involved with most often. The category of public benefits included Aid to Families with Dependent Children (AFDC), Social Security/Supplemental Security Income (SSI), Medicare/Medicaid, Food Stamps/other nutrition programs. The major problems of family law were custody/visitation, domestic violence, divorce, guardianship. The juvenile law sub-categories were abused/neglected children, termination of parental rights, delinquent children/status offenders. The category of housing included

eviction, code violations and housing assistance programs.

Between one quarter and one half of the study's participants indicated that they were routinely involved with problems related to education, such as school discipline and special education (38%), the elderly, including pensions, protective services and guardianship (35%), mental health such as patient abuse, treatment rights and commitment (29%) and health care, including access to services and occupational diseases. Less than a quarter of the respondents worked with the following problems: consumer (25%), public utilities (24%), employment (17%), civil rights (10%), wills and estates (8%), prisoners' rights (8%), migrant affairs (4%) and tribal affairs (2%).

Social workers providing direct client services were more likely than indirect service workers to be routinely involved with juvenile problems. Otherwise, there were no major differences between direct and indirect service workers, or between professionally trained and untrained workers.

Job Satisfaction

Each participant was asked to identify those factors which contributed to job satisfaction as a social worker employed in legal services. Five factors were chosen by over two-thirds of the respondents as contributing to job satisfaction. The most frequently identified factors were variety of job responsibilities (90%), professional autonomy (88%), identification with agency goals and mission (75%), cooperative relationships with the legal staff (77%), and professional respect by the legal staff (73%). Six factors were found to contribute to job satisfaction by more than one-third but less than two-thirds of the respondents. These factors, in order of frequency cited, were: good understanding of the legal system and attorney's role, opportunities for professional development, adequate support services and office facilities, manageable workload, appropriate utilization of social worker by legal staff, adequate salary. High staff morale, well administered agency and stable job future were noted by less than a third of the social workers as contributing to job satisfaction.

Factors which contributed to job dissatisfaction were: inadequate salary (38%), professional isolation (31%), unstable job future (25%). All of the other factors concerning job dissatisfaction were noted by less than one-fourth of the respondents. These factors, in order of frequency reported, were: poorly administered agency, inadequate support services and office facilities, lack of respect by the legal staff, limited job responsibilities, unmanageable workload, lack of professional autonomy, uncooperative professional relationships with legal staff, inadequate understanding of the legal system and attorney's role, lack of identification with agency's goals and mission.

There were no major differences concerning job satisfaction and job dissatisfaction between direct service providers and indirect service providers. Professionally trained social workers (MSW or BSW) more frequently expressed dissatisfaction about inadequate salary and lack of opportunity for professional development than the other respondents.

Continuing Education

All of the social workers surveyed had participated in continuing education activities while employed at legal services. Over 70% of the social workers had attended workshops on legal issues and almost 90% received consultation or supervision from an attorney. Approximately 45% of the respondents attended workshops concerning social work and 35% received supervision or consultation from a social worker. Direct service providers were more likely to have attended a social work workshop and received social work supervision than indirect service providers.

The majority of social workers surveyed stated that continuing education was necessary to assure competent performance and the professional development of a legal services social worker. Over 80% of the participants suggested that workshops on legal issues were necessary and 70% believed that consultation or supervision from an attorney was needed. Almost 80% of the social workers thought that workshops on social work practice were needed and 55% identified social work supervision or consultation as a necessity. Direct services providers expressed a stronger need for continuing education, particularly in social work content, than providers of indirect services.

DISCUSSION

A small number of social workers holding a variety of job titles are employed in legal services programs scattered across the country. The majority were recently employed by legal services and had a considerable amount of prior social work experience. Two-thirds of the group are professionally trained social workers and one half hold masters degrees in social work. About one-third of the social workers have had some form of paralegal training as well. The social workers practice in legal services programs of various sizes, although professionally trained social workers tend to be employed by larger agencies. More than half of the respondents function as the sole provider of social work services in a legal services program.

The majority of social workers in legal services spend most of their time providing case-oriented services which include information and referral, advocacy, crisis counseling and psychosocial evaluation. In addition, they regularly provide a range of community-oriented and administrative services. The breadth of social work services reported is probably reflective of agency needs, size, location, and mission. In field programs, legal staff do not tend to be highly specialized; attorneys usually carry a large, diverse caseload and share responsibility for working on legislative issues, community education projects and supervising paralegals and legal interns. Social workers saw little conflict with agency management regarding the type of services to be provided; services most valued by social workers and program directors were similar to functions most frequently performed by social workers. Academic preparation seemed to have little effect on the types of services provided by the social workers. These findings suggest that the mix of social work services is primarily determined by the needs of the individual legal services programs.

The data suggest that there is a demand for case-related social work services and that social workers as well as program managers feel that these services are valuable. One

wonders how this need is met in legal services programs which do not employ social work personnel. Arguably, functions such as providing information, referral and case advocacy do not require social work training. But services such as crisis counseling and psychosocial evaluation require considerable clinical skill and understanding of personality dynamics. Crisis intervention, for example, is a well-established method for managing emotional reactions to loss or threats of loss. Legal services clients are often deeply upset when they seek help, as their legal problems typically involve significant loss or threat to survival. A client, for example, who seeks help after she learns that her landlord has padlocked her apartment door, may be overwhelmed with feelings of rage and despair. The legal services social worker could help the client to deal with her emotional reaction and to arrange for some emergency housing, while the attorney would be free to concentrate on the legal issues in the case. Without the availability of social work services, the emotional and social aspects of the case may be ignored; more likely, they would be handled or mishandled by an attorney with no training in crisis intervention. Clients in crisis are better served if legal as well as psychosocial aspects of their problems are addressed by skilled professionals. Attorneys benefit from the presence of an in-house social worker in that they have more time to concentrate on legal issues and are less likely to experience the frustration that comes with encountering repeated crises for which they have no training.

A small group of social workers are predominantly involved in providing indirect services including community organizing, community education and community needs assessment, legislative advocacy, management, organizational development and training. The majority of these social workers were employed by larger programs and possessed an MSW degree. The need for social work specialists in management and organizational development may be limited to larger agencies. However, considering the emphasis of many legal services programs toward community involvement and forms of advocacy which affect broad social issues, the need for staff trained in community organizing, community development, policy analysis and applied research seems more universal. Schools of social work train specialists in community organizing, social policy and research at the MSW level. Legal Services agencies could probably make more extensive use of these specialists in fulfilling their mandate to work for change at the community level.

The literature on social work in legal services emphasizes social work's contribution in areas related to family and juvenile law. Results of this study indicate that social workers most frequently work with problems in the areas of public benefits, family law, juvenile law and housing. These are areas of traditional social work concern. With the exception of juvenile law, they also reflect some of the largest categories of problems handled by legal services programs nationally (Legal Services Annual Report, 1979).

Problems in the areas of housing and public benefits, such as eviction or benefit check termination, affect the individual's basic needs for income, shelter, food and health care. Social work interventions may be applied at the case as well as at the community level. For example, a family whose AFDC check has been terminated, will need legal representation to challenge the termination, but may also need the services

of a social worker who can provide crisis counseling and give information about emergency financial assistance. To affect change in the public benefits area on the community level, social workers can prepare materials to educate the poor about their rights to welfare benefits, organize local welfare rights groups and participate in local and state-wide efforts to improve the delivery of income maintenance services and to increase the amount of AFDC benefits for poor families.

Problems in the areas of family and juvenile law rarely present clearcut legal issues. They characteristically involve people who have been engaged in emotionally intense relationships over a period of time. Legal action is usually initiated when these relationships have reached the breaking point. Clearly, consideration of social and emotional aspects of these cases is critical, especially when the welfare of children is involved. In juvenile cases involving alleged neglect of children, for example, social workers can assist attorneys by obtaining historical information and by evaluating the psychosocial milieu in which the legal problem developed. With this information, the attorney is in a better position to judge the merits of the case, to understand the motivations of the key actors, to advise the client, and to negotiate some reasonable compromise or effectively try the case. In cases which come to court, the social worker may be able to testify to the facts in the case, offer a professional opinion based on expertise in the areas of family and child welfare, or provide recommendations concerning dispositional alternatives. The social worker can serve the parents by helping them to understand how the legal problem developed, to articulate their concerns, and to develop motivation to accept services that they need in order to strengthen family life and prevent future problems.

Survey results suggest that social workers employed by legal services programs are quite satisfied with their jobs. Unlike Smith's (1970) study which cited interprofessional conflict as a source of discontent among social workers in legal services, the vast majority of our respondents reported cooperative relationships with legal staff, professional respect by the legal staff, and appropriate utilization of the social worker by the legal staff as sources of job satisfaction. Professional autonomy, variety of job responsibilities and identification with the goals of legal services were also widely reported as contributing to job satisfaction. This may indicate that social workers can adapt well to the relatively unstructured nature of most legal services agencies and enjoy the opportunity to perform a wide range of functions in the context of an agency which champions the causes of poor people.

Indications of job dissatisfaction were not widespread. Those that respondents identified most frequently were inadequate salary, professional isolation and unstable job future. Professional trained social workers (MSW and BSW) expressed more concern about inadequate salary and limited opportunities for professional development. This might suggest that avenues for upward mobility within legal services programs are limited for social workers. The concern about professional isolation probably reflects the reality of a new specialized area of social work practice; fewer than 70 social workers practice in legal services programs widely scattered across the country, and more than half are the only member of their profession in the agency. To overcome this sense of isolation, a national network of social workers in legal services could be organized to serve as a conduit for exchange of job related information.

Social workers in legal services appear to be committed to increasing their professional skills. All the respondents indicated that social workers need continuing education and all had participated in some form of continuing education while employed by legal services. Over two-thirds of the respondents thought that continuing education in legal areas was important and indicated that they had attended legal workshops and received consultation or supervision from an attorney.

The data on continuing education in the field of social work, on the other hand, showed that the need for such continuing education is greater than what has been received. This finding is not surprising; most social workers function as the only social work practitioner in programs which are staffed and managed by attorneys and which have well established structures for the provision of legal supervision and training. Most legal services social workers, no doubt, have to look outside the legal services agency for professional workshops and social work consultation. Legal services program directors should be sensitive to this need and make resources available for social workers who wish to engage in these forms of professional development

The survey results suggest that social workers can increase the scope and depth of services provided by legal services programs. The use of social workers is not widespread, however. Problems of budgetary constraints, negative stereotyping of social workers by lawyers and concerns about conflicting standards of professional ethics may inhibit the use of social workers by legal services programs. Further research might focus on these concerns and other issues not addressed in the present study including the following: attitudes of program directors, lawyers, board members and clients toward social workers in legal services; qualitative differences in services provided by trained and untrained social workers; differential use of BSW and MSW level social workers in legal services programs; and comparison of the social work and paralegal roles. A national conference, sponsored by the National Association of Social Work or the Legal Services Corporation might generate further research and discussion on the practice of social work in legal services programs.

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