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Holistic Defense: Attorney Perception and Social Work Integration in the Courtroom

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The goal of this project is to survey attorney perceptions of social workers. This will lead to suggestions on how social workers can be more effectively integrated into the courtroom and legal system as well as to suggestions for further study. This goal reflects Person-In-Environment theory by highlighting the importance of attorneys needing to understand the contextual variables social workers can explain to the court, thereby explaining what social, political, and economic issues may have caused a client to be involved in crime in the first place. This goal also reflects Holistic Defense Theory by ensuring that clients legal and social needs are met by highlighting the need for both attorneys and social workers as part of the defense team. Lastly, this project may contribute to making justice in the courtroom reachable for traditionally disaffected people who can be made whole again by legal and social intervention.

Keywords: Holistic Defense, Forensic Social Work, Public Defense

INTRODUCTION

Forensic social work is a specialized area of social work practice that applies social work principles to social and legal systems. Within forensic social work, there are multiple avenues of practice, including corrections, victims' services, mitigation services, and public defense work. Public defense work is a relatively new phenomenon within the field. It was first mentioned by legal scholars in 1998 as part of an initial examination of the promising relationship between attorneys and social workers (Galowitz, 1999). Attorneys from various perspectives, including judges, prosecutors, and defense attorneys often are bereft of ideas on how to help their clients, including victims for prosecutors, defendants for public defense attorneys, and judges on how to meet client needs of both parties in their courtrooms.

Hartley and Petrucci (2004) noted that social workers not only were able to meet client needs through the provision of treatment, services, and supports to those clients, but they were able to do so in a cross-culturally informed manner based upon the availability and accessibility of community resources. The authors noted that being cross-culturally informed is something that has long been lacking in American courtrooms. It appears that the legal profession noted social work's valuable skillset, long before social workers began inserting themselves into the courtroom (Petrucci et al., 2005), but there have not been many direct examinations of attorney's perceptions of social workers and how they effect social work integration.

Decolonizing Forensic Social Work

Decolonization is the act of achieving cultural, psychological, and economic freedom for indigenous people, with the goal of reaching indigenous sovereignty. Decolonization shares many of the same tenants as therapeutic jurisprudence, particularly that of restorative justice, where a disaffected people (both victims and perpetrators of crime) are made whole again by legal and social intervention (Cunneen, 2002). Asha (2018) indicates that criminal law can only be reformed through decolonizing acts, such as reforming the racist and classist foundations of the "War on Drugs" and by inherently reforming the way in which the courtroom and penal system in the United States work. There are many ways to achieve this end goal.

Dimou (2021) notes that one of the first steps in decolonizing criminological practice is to first reduce privileging within the court system. Those that need a social worker or public defender should not be second-class to those with means. There should also not be a spiritual hierarchy that places white-Anglo-Saxon protestants over Afrocentric or Latin defendants, nor should males be given more privilege than females within the courtroom. Lastly, the decolonization process can and must include attorneys, as they are the ones that created the system and the ones that must assist in dismantling it. While attorneys are critical to fundamentally changing the legal process, social workers and other social services practitioners can also implement change within the confines of the existing system in order to begin the decolonization process and start the process of systematic transformation.

Asadullah (2021) indicates that there are multiple steps that social workers can take on the micro, mezzo, and macro levels to begin to implement a more restorative and decolonized criminal justice system. The first is freeing the system of relying on the western ways of social process. The second is allowing the integration of elders (i.e., family and other community members) to be a part of criminal proceedings. The second is the presentation of the "whole person," including the client's education, experiences, and social networks to the court (i.e., biopsychosocial, mitigation, and alternative sentencing reports). The next is to highlight the resiliency of individuals and their families to the court, including everything they have overcome and the traumas that they have faced, focusing on the differences in the defendants' lives, compared to those of court professionals, such as the district attorneys and judges.

On the macro level, defendants also need to begin to become heavily involved in the decolonization movement, including pushing for the reclamation of land, the reclamation of property obtained through dubious asset forfeiture laws particularly when drug crimes are involved, and involvement en masse in social

movements that draw attention to heinous legal injustices, such as the Southern Poverty Law Center (SPLC), the Equal Justice Initiative (EJI), and the Innocence Project (IP). Lastly, Agozino (2021) posits that the final stage of decolonization is the act of reparative justice, which seeks to make both the victim and defendant whole, while contributing to their rehabilitation. This can take many forms, from apologies from the court for wrongful convictions, monetary claims paid to victims of crime, to systematic reorganization of the legal and correctional systems in the United States to ensure a true focus on rehabilitation for individuals who genuinely committed a crime.

LITERATURE REVIEW

Social workers, as noted by Tyuse and Linhorst (2005), first entered courtrooms during the initial creation of mental health and drug courts. These courts were created as a patchwork system of supports by judges across the United States that saw mental health, substance abuse, and co-occurring disorders as precipitants to initial criminal behavior and further recidivism. Attorneys brought social workers in to work on the case, not only to provide case management for complex cases, but also to provide mental health and substance abuse treatment, provide mitigation services through in-depth interviews with clients, their family, and their associates, and to provide comprehensive wrap-around services and continuing care for some of the most vulnerable populations (Guin et al., 2003).

Brooks (2006) introduced the valuable concept of therapeutic jurisprudence, not only as a part of specialty courts, but also as part of the on-going workings of day-to-day criminal court dockets. Therapeutic jurisprudence is the use of the law and legal policies to come to an amicable and just resolution in a criminal case that provides rehabilitation for offenders, services for victims of crime, and addressing social issues inherent in involvement with the criminal justice system. Therapeutic jurisprudence does not change the criminal justice system, but the actions of the actors within it (Wexler & Winnick, 1991) and assumes that the criminal justice system can be used as both a method and measure of rehabilitation (Dickie, 2008). Not every client qualifies for specialty courts due to having complex needs such as a need for co-occurring or multi-disciplinary treatment. Social workers are used in therapeutic jurisprudence to ascertain complex client needs, including mental health and substance abuse treatment, food, housing, transportation, and other similar issues. Social workers interview clients, their families, their associates, and other community providers to identify clients' needs, understand what supports they have, and how they will achieve their goals. Social workers set clients up with these services to not only assist clients to their desired outcomes, but also provide direct accountability to the courts for their clients. Judges interviewed by Brooks (2006) valued social worker's inputs due to their direct and lengthy involvement with the client and their extended social connections. This allowed social workers to provide more accurate initial assessments and treatment outcomes that could not be ascertained solely from inside the courtroom (Metz et al., 2020).

Specialized Courtroom Services Provided by Social Workers

Due to the successes of social work intervention in the courtrooms, including the creation of in-depth biopsychosocial histories, social workers started being used as part of specialized mitigation defense teams in capital cases and post-conviction defense. Schroeder et al. (2006) examined the use of this integration and found that evidence-based practices such as cognitive behavioral-based interventions, mediation, and mitigation services often produced several positive outcomes. This included reduced client sentences, reduced death penalty cases to life with the possibility of parole, and often saved states and the federal government millions of dollars per year in costs of incarceration, courtroom costs, and costs for the provision of on-going state or contracted services. Social workers provide innumerable value on both sides of the courtroom, for the correctional system, and for the individual client and their families. Moreso, social workers can be used to divert clients from spending lengthy terms incarcerated and be better suited to reintegrated into the community, especially for the older offender population (Maschi & Morgen, 2020).

Holistic Defense: Opportunities for All

Holistic defense can be defined as the client-centered, comprehensive, and interdisciplinary approach to public defense (Hussemann & Siegel, 2020). Holistic defense is based on the framework of two theories shared by the legal, criminal justice, and social work professions. The first is Procedural Justice Theory. Procedural Justice Theory posits that those clients who can proceed through every step of criminal court proceedings, from being charged to trial to eventual adjudication, are more likely to have their needs identified and met, have better legal outcomes, and have a more positive view of social and personal responsibility at the end of their legal ordeal (Kopelovich et al., 2013). The second is therapeutic jurisprudence which posits that court should not just be about the legal process in of itself, but an opportunity for support and change for both plaintiffs and the defendants. Therapeutic jurisprudence does not change the adversarial system itself, but changes how the actors within it perform their duties (Dickie, 2008). Both are complementary theories that, while designed for the defense, meet the needs of all court participants (Hisle et al., 2012).

Therapeutic jurisprudence ensures that clients have the needs that brought them before the court to be identified, met, and mitigated. It allows for clients to not only reduce their legal penalties, but also make permanent changes to their lives; whether through treatment, aftercare, or other supports in the community. Therapeutic jurisprudence is complementary to procedural justice theory, in that the length of time required for identifying needs, setting clients up with services and supports, identifying outcomes, and providing treatment updates to the court requires that all legal avenues are explored before sentencing of the defendant. Practice-based therapeutic jurisprudence puts the onus on the client to make necessary changes, allows judges to make more accurate sentencing decisions, makes prosecutors more willing to make plea deals for treatment, and gives defense attorneys the ability to provide better defense services for their clients.

Therapeutic jurisprudence proposes that all professional disciplines that are involved in clients' lives are sensitive to the consequences of legal decisions and outcomes. It seeks to reduce the laws' anti-therapeutic consequences and to enhance the possibilities for its therapeutic results. Therapeutic jurisprudence also holds that social workers can shape their involvement in the legal environment (Madden & Wayne, 2002). Therapeutic jurisprudence is aligned with social work values as it ensures that individual needs are recognized, disproportionate harm to vulnerable populations is suspect, and change efforts can be instituted with large systems or policies, as well as with individual actors (Madden & Wayne, 2003). Holistic defense, therefore, provides that attorneys cannot meet all their client needs alone. Often, clients need teams of individuals to assist in their cases and social workers are a critical profession to be a part of those teams due to improved outcomes, cost savings, and reduction of strain in the sheer number of courtroom proceedings (Maschi & Killian, 2011).

Holistic Defense in Specialty Courts

Kopelovich et al. (2013) examined the introduction of procedural justice to specialty courts, including mental health and recovery courts. Social workers staffed these specialty programs and designed stepwise treatment programs that extended court involvement compared to regular sentencing arrangements. This allowed for greater involvements of the court, not only providing increased supervision, but also increased access to resources for the client, and provided a better picture of the client's needs to the presiding judge. Attorneys, judges, and social workers worked in tandem to meet the client's needs while also carrying out legal procedure. Of particular importance is the improved access to mental health and substance abuse needs and subsequent services that are often poorly identified (Maschi et al., 2012). Several of the judges interviewed indicated the high efficacy of such programs, as they allowed the judges to make informed decisions that allowed for both relapse prevention and extended support during recovery. Steinberg (2013) further noted that therapeutic jurisprudence in addition to improved procedural jurisprudence was the only way to heed "Gideon's Call" from the *Gideon v. Wainwright* (1963) Supreme Court decision, which held that the Sixth and Fourteenth Amendment of the United States Constitution guarantee the right to legal counsel.

Steinberg (2013) notes that this could only be ensured if social workers were mandated to be a part of the public defense team.

Attorney-Social Worker-Client Communication

As evidenced by the following literature, there is both growing support in the legal community for embedding social workers in public defense offices, as well as improved outcomes for clients who utilize social work services as part of the defense process. Wilson (2016) examined the flow of communication between the client and attorney and found it was often tenuous at best. Clients often did not understand legal procedure, did not fully understand the options available to them nor the consequences of choosing those options, and the attorneys often did not understand their clients' full presenting issues and how they may impact legal outcomes. Moore and colleagues (2020) found that these issues are particularly pronounced in public defense. Attorneys often think that their clients are not competent enough to understand legal proceedings, that there are less options available to the client both in the courtroom and in the community, and that most clients are both unwilling and unable to engage in those alternatives. Social workers are lacking, however, when it comes to being able to effectively describe courtroom procedure to clients, how their treatment may be directly affected by legal procedure, and how their needs may not be met by the legal system (Loue, 2018).

McCabe (2020) asserts that cursory legal education should be provided to social workers as part of their undergraduate and graduate education due to the immense value of social workers to the legal profession and improved client outcomes. Furthermore, social workers do not appear to always work directly with attorneys, causing confusion as to what social workers do, given the generalist and comprehensive nature of their profession. Given this information, communication between attorneys, clients, and social workers needs improvement in order to continue the social work goal of holistic intervention in their clients' lives. This tenuous relationship between professions leads to other questions about social workers adjacent to criminal defense, many of which have not been asked or answered.

Continuing with the theme of communication issues, social workers have begun to identify some of the challenges and implications for social work within holistic public defense (Buchanan & Nooe, 2017). The first is that although holistic defense purports to be girded on the theories of procedural justice and therapeutic jurisprudence, many clients are not allowed to go through the multi-stage process that is courtroom procedure. Not only are clients not allowed to take their case to trial, they also do not receive treatment, services, or supports as part of any legal proceedings, including during pre-trial adjudication. The second challenge is that there often tends to be a misunderstanding of how to best utilize social workers during the legal process by both attorneys and clients. This could be either due to poorly communicated professional standards and outcomes by the social work profession, lack of consistent communication between social workers and attorneys, or due to preconceived notions about the profession that limit social work interactions with their mutual clients.

Buchanan and Orme (2019) indicate that social workers provide immeasurable value to the legal profession, including the value from the above-mentioned services and supports that they provide clients. This conclusion was especially salient when social work interventions were included as part of holistic public defense for the legally indigent population. In reviewing the extant literature, it seems that while social work interactions are generally positive, especially in conjunction with legal intervention, there seems to be a lack of communication between social workers and attorneys about what goals social workers have as a profession, the goals they have for individual clients and their family systems, and how social workers are best poised to be used in conjunction with courtroom intervention in order to make meaningful changes to a clients life. The common denominator here is how attorneys view social workers, what social workers can do for their mutual clients, and how to improve social worker integration based upon those perceptions.

Attorney-Social Worker Collaboration and Ethical Considerations

Although older literature, Galowitz (1999) seems to be one of the only recent legal scholars to deeply examine the need and issues inherent in attorney-social worker collaboration. Social workers are useful at interviewing, evaluation, crisis intervention, short-term casework, negotiation, and referral. As a result of social work training and education, they are better equipped to provide services such as crisis intervention, evaluation of client needs, and direct casework. Social work training in assessing personality and mental status contributes significantly to the lawyers' appraisal of the facts necessary for an attorney's legal approach. Furthermore, social workers are effective at developing models of training, providing training, and offering empathy that is often lacking in the legal profession, due to its adversarial nature.

Social work integration helps attorneys provide the "ethic of care," which is defined as the "subjective, particularistic, and contextual and emphasizes responsiveness and responsibility in the relationship with others" (Galowitz, 1999, p. 2127). The ethic of care values relationships and connectedness over autonomy and instead relies on collaborative teamwork. This means the attorney, client, and the rest of the legal team should be working in concert to achieve intended legal and social outcomes together to meet the needs of the client. This teamwork eliminates the expert problem solver dilemma that attorneys often take (Galowitz, 1999), which oversteps their boundaries and impedes the client's right to autonomy. In the converse, however, full autonomy by the client would impede the moral integrity of the lawyer, who by their very nature should provide counsel for all possible outcomes in a given court case. The possible solution to this type of problem is one that social workers can provide, such as effective interviewing and counseling techniques.

Given this discussion, it is perhaps best that one area for social workers to be utilized is by training lawyers in effective interviewing and counseling techniques. A second area would be to ease the burden on attorneys. Social workers can assist in reducing the stress that lawyers may experience by reducing the need for obtaining social history, researching criminal records, and researching aggravating or mitigating circumstances. Galowitz (1999) notes that social work collaboration is not dependent upon a specific model of legal services or a particular vision of practice. Instead, collaboration would lend itself to a "client-centered and team-driven" approach that utilizes the skills of people from a variety of disciplines to develop multidisciplinary and holistic approaches to advocacy. Holistic legal services, viewed from the "helping" framework, is not only more meaningful to the legal and social work professions, but to the client receiving the services of each profession.

This type of helping, however, is not without ethical challenges that may prevent or impair the effective collaboration of attorneys and social workers. There are many complex issues surrounding social work and attorney collaboration, including when and how to collaborate, ethical concerns over differing standards of confidentiality, and perceptions of respective roles, including the nature of each profession. First, the relationship between lawyer and client differs in the relationship between mental health professionals and their clients. As such, legal and social work practitioners must expect conflict and tension in cooperating to represent a common client.

Confidentiality is one of the core values for both professions, however each have different standards for privilege and confidentiality. Potential conflicts can arise when determining the range and degree of confidentiality owed to the client. For attorneys, confidentiality comes from the common law attorney-client privilege, that protects confidential communication, including advice, opinions, and information transmitted, developed, or gathered in furtherance of the attorney-client relationship (Galowitz, 1999). Confidentiality requires that attorneys not reveal their clients' confidences or secrets to anyone outside of the relationship. Confidentiality covers not only the lawyer who was told the information by the client, but also others working in the law office, as well as all employees and associates of the lawyer, including law students, support staff, and other non-lawyers working on the case. There are some concerns that the confidentiality provision of the Model Rules and the Code interfere with an interdisciplinary approach, since such teams need to share

information, and the Model Rules and Code generally prohibit the disclosure of confidential client information. Social workers have their own standard of confidentiality through the Code of Ethics established by the National Association of Social Workers (2021). Under that Code, social workers must respect their clients' privacy, maintain the confidentiality of all information obtained while services are provided, and respect the autonomy of the client to disclose information, without question.

Each of these obligations for confidentiality have statutory bases in federal and most state laws. Confidentiality issues often arise most dramatically as a result of child or elder welfare laws that mandate disclosure of instances of abuse, neglect, or maltreatment to the appropriate human services agency. Attorneys are not included in the statutory list of professionals as mandated reporters, as the attorney-client privilege is not abrogated and attorneys are not required to report, even when they reasonably suspect that a client committed an act of child or elder abuse. Each state code of professional responsibility for attorneys requires an attorney to zealously represent a client within the bounds of the law, and prohibits attorneys from using information acquired in the course or representation of a client to legally disadvantage that client. Most legal services and programs take the position that social workers and social work students who participate in the program's legal representation of clients come under the rubric of law office personnel and therefore are bound by attorney-client rules of confidentiality (Galowitz, 1999).

Most states indicate that an attorney will exercise reasonable care to prevent his or her employees, associates, or others who services are utilized by the attorney from disclosing or using confidences or secrets of the client. As such, employees of the attorney, including social workers or social work students, are bound by the attorney's professional rules of confidentiality. If this were not the case, then attorneys could not draw on their assistance in representing a client. The ethical issues become more complicated when the attorney is an employee of a social services or government agency (i.e. Public Defender or District Attorney General offices). Built into the system, is inherent tension between the two profession's ethical responsibilities. The lawyer has a responsibility to advocate zealously for the client's wishes, while the social worker's is to safeguard the client's best interests (Galowitz, 1999). These differences are apparent and will have to be accounted for in an interdisciplinary setting.

The mission and values of the social work profession overlap significantly with the purposes of legal services. There are differences as well, which stem from the differing roles of each profession and their view of their obligations to clients. Attorneys are trained in problem solving or problem preventing on their client's behalf, whereas social workers seek to understand the context of the presenting problems before designing a treatment or intervention. Attorneys can benefit from a larger contextual perspective; however, they are clearly bound by the express wishes of their clients, regardless of their attorney's assessment of the circumstances. Social workers, however, are trained to appreciate the client's circumstances in totality and to approach every intervention in that light. There are some concerns that these differences in approaches are so deep that they are impossible to reconcile. An attorney's focus is to advocate for the client while the social worker's is to respect the client's best interests. Social workers tend to lean toward mediation and are less likely to view their role as adversarial, whereas attorneys view their role as adversarial by its' very nature (Galowitz, 1999). The differences in approach are further exacerbated when there are multiple clients. The attorney views the individual as the client, while the social worker enhances a client's well-being in a social context, as well as the well-being of society as a whole.

Lastly, the values transmitted through training and practice in social work, has a broader perspective than legal training. Social workers approach clients from a global biopsychosocial approach to care that encourages social work professionals to look beyond their clients' current problems and examine the various familial, social, and community forces that impact their reason for being in court. Lawyers, however, are trained in a very reductionist manner that focuses on only their individual client. Law programs and continuing education do not teach attorneys to work with other lawyers, other professionals, or even the client for their clients' good (Galowitz, 1999). Law students need opportunities to learn how to collaborate

with other lawyers and to work in an interdisciplinary team. The law school curriculum should incorporate methods for interprofessional collaboration.

Some schools, such as the University of Maryland (Galowitz, 1999), previously had clinical professors teaching with social workers and encourages law students and social work students to work together. This collaborative approach improved the quality of services provided to the client in a holistic manner. The faculty found that this collaboration produced educational benefits for both professions, including an improved understanding of the social issues that affect practice, and effective teaching of the skills of interviewing, counseling, and administrative advocacy that is often foreign to practicing attorneys. Social workers challenged the clinical faculty to expand their concept of the client's problem from narrowly conceived legal issues to larger life problems and to think about the larger society as a whole. To date, the University of Maryland has been the only university to incorporate such a program (Barker & Branson, 2014). There are some models already in existence that may work. For instance, lawyers and social workers may work in the same agency and be available to one another for consultation. This may not be a question of models, however. Instead, it may be a question as to what ingredients are key to the success of a model of social work-attorney collaboration. Clarity of purpose, roles of each professional, written guidelines, and clear communication are important to not only the practicing professionals, but the outcomes of the client served. Removing the impediments to collaboration between lawyers and social workers may be easier than first stated, as lawyers and social workers have several things in common.

The first is their central commitment to serving their clients. Each has much to offer each other in their service to clients and they have much they can learn from one another. Attorneys often need to understand the psychological and social aspects of legal problems and social workers need to understand and appreciate the implications of the legal system on their clients. One way to deal with ethical issues between professions is to follow the general rule that the confidentiality requirements of the primary service provider should prevail. Another way is to have a limited relationship between the two professions where they exist in a referral relationship. For ethical and role issues, it is most useful to identify and discuss possible conflicts at the beginning of the relationship. If working together at the same agency, it is critical that it is decided whether they will share information.

Lawyer domination and client subordination often occurs in attorney-client relationships; however, this can be abrogated with and do not result from attorney-social worker collaboration. In fact, this type of collaboration may very well empower the clients, in ways not seen before. As with everything regarding human interaction, the nature and timing of the relationship effect the quality of this collaboration. That does not mean that these types of collaboration cannot benefit the client, the courtroom and its' participants, the entire criminal justice system, and the larger society as a whole.

THEORETICAL FRAMEWORKS

This exploratory study is firmly grounded in three theories. The first is Person-in-Environment (PIE) theory (Karls et al., 2008), and the second is holistic defense. Included as a third theory is the decolonization of forensic social work.

Person-in-Environment Theory

Person-in-Environment (PIE) theory highlights the importance of understanding individuals, their behaviors, and subsequent outcomes by considering the environmental contexts in which that person lives and acts. While it is not only important to understand the individual, we must also examine the environment in which they find themselves, particularly in relation to the courts. Attorneys work in a complex and often convoluted field that many outside of the profession cannot understand. As such, attorneys have considerable sway over client decisions as there is no one to act as a mediator. The choice of defense used during trial and

what services and supports are used to place the client in a better situation are largely up to agreements made between their public defender, district attorneys, and the judge. The client's environment, that is attorney perceptions of social services and social workers that would best be suited for the client, has a huge and often disparate impact upon them.

Holistic Defense Theory

The second theory is that of holistic defense (Hussemann & Siegel, 2020). Holistic Defense is a shared theory between the legal profession and the social work profession that argues that legal defenses must not only address client's best legal outcomes, but also their best social outcomes. Holistic Defense is a growing area of research considering the *Montgomery v. Louisiana* outcome in regard to juveniles facing life without parole (Merlo & Benekos, 2017). This case highlighted the need to search for biological, psychological, and social factors that may result in mitigating the outcome of the defendant. Social work is one of the best professions primed to ascertain clients' needs given their social environment, but often this cannot be done, due to attorney perceptions of social workers. While there is some support for social workers in the courtroom, attorneys often do not know how to integrate social workers into the courtroom, which in turn effects client outcomes.

Holistic defense is one of the most important goals to criminal justice reform in the United States. Holistic defense, utilizing PIE theory, can promote positive outcomes not only for clients themselves, but the public defenders and social workers that serve them. While the courtroom has often been viewed as an oppressive tool of racial and economic division (Hirschman & Garbes, 2021), holistic defense can move the legal profession towards integrating anti-oppressive, anti-racist, and progressive social justice policies both pre- and post-adjudication. Attorney acceptance of holistic defense utilizing social workers, may be the best available option to reform the criminal justice system.

The goal of this exploratory project is to survey attorney perceptions of social workers. This will lead to suggestions on how social workers can be best integrated into the courtroom and legal system as well as to suggestions for further study. This goal reflects Person-In-Environment theory by highlighting the importance of attorneys needing to understand the contextual variables social workers can explain to the court, thereby explaining what social, political, and economic issues may have caused a client to be involved in crime in the first place. This goal also reflects Holistic Defense Theory, by ensuring that clients legal and social needs are met by highlighting the need for both attorneys and social workers as part of the defense team. Lastly, this goal is an important step towards decolonization of law and social work practice as it makes justice in the courtroom reachable for traditionally disaffected people who can be made whole again by legal and social intervention.

METHODS

Procedures, Measures, and Sampling

As part of the research process, this study was approved by the Spalding REC (see Appendix B). The novel survey (Appendix A) was created over a period of approximately five months utilizing this researchers' experience in public defense and extant literature on holistic defense, procedural justice, and therapeutic jurisprudence. The survey consisted of 50 questions and included five subsections devoted to collecting demographic information about respondents, assessing respondent understanding of the social work profession, the role of social work in the courtroom, the role of ethics in social work and law, and relationships between social workers and attorneys. The survey consisted of mainly multiple-choice questions, but gave the respondents the opportunity to explain their answers in free-text form. The survey also included

two purely qualitative questions in which respondents could reflect on their subjective experiences in collaborating with social workers.

The questionnaire was sent out via email to over 3000 potential respondents at the Administrative Office of the Courts, the Public Defender's Conference, and the Attorney General's Conference. Out of those approximately 3000 respondents, 51 complete responses were received after being open for 60 days, for a 1.7% response rate. Steps taken to increase response rate included extending the period for which the survey was open, and sending follow-up reminder emails encouraging recipients to complete the survey. The purpose of this study was to identify how attorneys perceived the role social workers in the legal system, which can in turn be used to develop future educational interventions designed to help promote better collaboration between social workers and legal professionals. As such, descriptive statistics were utilized in order to give an overview of the collected data from the number of participants that completed the survey. Non-parametric tests were used due to a lower expected response rate, the types of questions answered in the survey, and the assumption that answers to the questions would not follow a normal distribution. The following statistics were used in this study.

The Chi-Square Test of Independence is a statistical method used to determine if there is a significant association between two categorical variables. Its primary role is to assess whether there is a relationship between two variables in a population, such that knowing the value of one variable provides information about the other. The test compares the observed frequencies of each category of the two variables in a contingency table against the expected frequencies under the assumption that there is no association between them. The difference between the observed and expected frequencies is then summarized using the chi-square statistic, which is used to determine the probability of observing such a difference by chance alone. (Pearson, 1900). A Chi-Square Test of Independence was performed to examine the relationship between attorney type (Q1) and the use of social workers (Q5). The six attorney types (Criminal Court Judge, General Sessions Judge, District Attorney, Assistant District Attorney, Public Defender, and Assistant Public Defender) were collapsed into three categories (1=Judge, 2=District Attorney, and 3=Public Defender) in order to be able to perform the Chi-Square test.

The Kruskal-Wallis test of rank is a non-parametric statistical test used to determine if there are significant differences between two or more independent groups based on their ranks. It is often used as an alternative to the one-way ANOVA when the data does not meet the assumptions of normality or equal variances. The Kruskal-Wallis test works by comparing the ranks of the observations within each group and then calculating a test statistic. If the test statistic is significant, it indicates that there is a difference between the groups. The test does not indicate which group or groups are different, only that there is a significant difference between at least two of the groups (Kruskal & Wallis, 1952). A Kruskal-Wallis test was used to determine if there was a relationship between responses with each of the three independent titles (Public Defender, District Attorney, Judge). The six attorney types (Criminal Court Judge, General Sessions Judge, District Attorney, Assistant District Attorney, Public Defender, and Assistant Public Defender) were collapsed into three categories (1=Judge, 2=District Attorney, and 3=Public Defender) in order to be able to perform the Kruskal-Wallis test as well.

Lastly, a Mood's Median Test was completed with the Kruskal-Wallis (Table 9). The Mood's median test is a statistical test that is used to compare the medians of two or more independent groups. It is a non-parametric test that does not require the assumption of normality, and is therefore useful when the data does not follow a normal distribution. The test works by comparing the medians of the different groups and determining whether they are significantly different from each other. Specifically, it calculates a test statistic based on the difference between the median values and the dispersion of the data, and compares this test statistic to a distribution to determine the statistical significance of the difference (Mood & Graybill, 1950).

The Statistical Packages for the Social Sciences (SPSS) was utilized to analyze the data of this exploratory study. As illustrated in the following discussion, the qualitative portions of the survey were used

to supplement the quantitative analysis, mainly by providing subjective insight into the respondent thought processes underlying their responses to the quantitative portions of the survey.

RESULTS

The majority of the responses unexpectedly came from the Attorney General's Conference and not the Public Defender's Conference, given that the majority of the literature and the idea for this topic came from the integration of social works specifically in public defender's offices across the State. The responses were, unfortunately, overwhelmingly negative. The average years of legal practice from respondents was 10 years, with the majority holding the same position for at least six years on average. Over half had never utilized the services of a social worker, but nearly 86% indicated that they knew what social workers could do within the scope of their licensure. The large majority (94%) indicated that social workers were only able to do case management as part of their licensure. Of the 51 respondents, 35 (67%), indicated that they were not interested in social workers being a part of practice in the courtroom, including both criminal and civil practice.

An additional 94% or 48 out of 51 respondents indicated that they did not feel that social workers could provide an expert opinion in the courtroom. Several of those respondents indicated they would prefer a psychiatrist or psychologist as an expert witness. A further 46 out of 51 (90%) indicated that they felt attorneys could find resources more adequately than a social worker. The same number indicated that they felt that social worker positions were not worth funding. Forty-four of respondents were not interested in social workers even being a part of the defense team and 45 out of 51 respondents were not interested in social workers being a part of the prosecution. The same amount indicated that specialized courts, such as the Veterans Court, Mental Health Court, and Drug Court, should not be managed by social workers. Several of those noted that Licensed Alcohol and Drug Abuse Counselors would be better qualified to run or assist in such programs.

More astounding is the fact that 42 out of 51 respondents indicated that both fields (law and social work) do not seek to serve the best interests of their clients, advocate for their clients, or that social workers offer different perspectives than attorneys on client issues. The vast majority (46 out of 51) of respondents also indicated that social workers cannot be a part of therapeutic jurisprudence or holistic defense. Survey questions that specifically ask about perceptions of social workers and how they could best be used are specifically focused on in the following analysis, as they answer the question of whether perception of social workers by attorneys affects their integration in the courtroom.

Quantitative Analysis

A Chi-Square Test of Independence was performed to examine the relationship between attorney type (Q1) and the use of social workers (Q5). The relation between these variables was significant, $X^2(2, N = 51) = 11.515, p = .003$. Position title is positively and significantly related to perception and use of social workers (Table 1). These results indicate that there is a relationship between attorney type and the use of social workers in the courtroom. Public Defenders and some judges were most likely to have utilized social workers at some point in their legal career. Twenty-two out of fifty-one respondents had previously utilized the services of a social worker at some point in their career or less than half of all respondents (43.14%).

Table 1: The Relationship of Attorney Type (Q1) to the Use of Social Workers (Q5)

Crosstab

		Q5 - Have you ever utilized the services of a social worker (on staff, contracted, or mandated)?		Total	
		Yes	No		
Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	1.00	Count	5	2	7
		Expected Count	3.0	4.0	7.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	71.4%	28.6%	100.0%
		% within Q5 - Have you ever utilized the services of a social worker (on staff, contracted, or mandated)?	22.7%	6.9%	13.7%
	% of Total	9.8%	3.9%	13.7%	
	2.00	Count	4	19	23
		Expected Count	9.9	13.1	23.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	17.4%	82.6%	100.0%
		% within Q5 - Have you ever utilized the services of a social worker (on staff, contracted, or mandated)?	18.2%	65.5%	45.1%
	% of Total	7.8%	37.3%	45.1%	
	3.00	Count	13	8	21
		Expected Count	9.1	11.9	21.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	61.9%	38.1%	100.0%
% within Q5 - Have you ever utilized the services of a social worker (on staff, contracted, or mandated)?		59.1%	27.6%	41.2%	
% of Total	25.5%	15.7%	41.2%		
Total	Count	22	29	51	
	Expected Count	22.0	29.0	51.0	
	% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	43.1%	56.9%	100.0%	
	% within Q5 - Have you ever utilized the services of a social worker (on staff, contracted, or mandated)?	100.0%	100.0%	100.0%	
	% of Total	43.1%	56.9%	100.0%	

Chi-Square Tests

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	11.515 ^a	2	.003
Likelihood Ratio	12.198	2	.002
Linear-by-Linear Association	.636	1	.425
N of Valid Cases	51		

a. 2 cells (33.3%) have expected count less than 5. The minimum expected count is 3.02.

A Chi-Square Test of Independence was performed to examine the relationship between attorney type (Q1) and the interest of attorneys using social workers in the courtroom (Q8). The relationship between these variables was significant, $X^2(4, N = 51) = 22.389, p < .001$. The results indicate that attorney type is associated with the interest of attorneys using social workers in the courtroom. (Table 2). Thirty-five out of

fifty-one respondents were not interested in involving social workers in the courtroom or more than two-thirds of all respondents (68.63%). Public defenders were most likely to report interest in having social work positions in the courtroom at 4 out of 51 or 7.8% of all respondents.

Table 2: The Relationship of Attorney Type (Q1) to the Use of Social Workers in the Courtroom (Q8)

Crosstab

Q8 - Do you need more information on what social workers can do within the scope of their licensure before you would agr

				I am not interested in involving social workers in the court				
		Yes	No			Total		
Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	1.00	Count	0	4	3	7		
		Expected Count	.5	1.6	4.8	7.0		
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	0.0%	57.1%	42.9%	100.0%		
			% within Q8 - Do you need more information on what social workers can do within the scope of their licensure before you would agr		8.6%	13.7%		
			% of Total		5.9%	13.7%		
	2.00	Count	0	0	23	23		
		Expected Count	1.8	5.4	15.8	23.0		
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	0.0%	0.0%	100.0%	100.0%		
				% within Q8 - Do you need more information on what social workers can do within the scope of their licensure before you would agr		65.7%	45.1%	
				% of Total		45.1%	45.1%	
3.00	Count	4	8	9	21			
	Expected Count	1.6	4.9	14.4	21.0			
	% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	19.0%	38.1%	42.9%	100.0%			
			% within Q8 - Do you need more information on what social workers can do within the scope of their licensure before you would agr		25.7%	41.2%		
			% of Total		17.6%	41.2%		
Total	Count	4	12	35	51			
	Expected Count	4.0	12.0	35.0	51.0			
	% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	7.8%	23.5%	68.6%	100.0%			
			% within Q8 - Do you need more information on what social workers can do within the scope of their licensure before you would agr		100.0%	100.0%		
			% of Total		68.6%	100.0%		

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	22.389 ^a	4	<.001
Likelihood Ratio	27.925	4	<.001
Linear-by-Linear Association	4.352	1	.037
N of Valid Cases	51		

a. 6 cells (66.7%) have expected count less than 5. The minimum expected count is .55.

A Chi-Square Test of Independence was performed to examine the relationship between attorney type (Q1) and the funding of social worker positions (Q14). The relation between these variables was not significant, $X^2(2, N = 51) = 4.688, p = .096$. These results indicate that attorney type is not significant and there is no relationship between attorney type and use of social work (Table 3). Regardless of attorney type, 46 out of 51 respondents were not interested in funding social work positions in the courtroom or nearly 90 percent of all respondents. Public defenders were most likely to report interest in funding social work positions at 4 out of 51 or 7.8% of all respondents.

Table 3: The Relationship of Attorney Type (Q1) to Funding Social Work Positions (Q14)

Crosstab

		Q14 - Do you think that social worker positions in the courtroom are worth funding?		Total	
		Yes, Please Explain	No, Please Explain		
Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	1.00	Count	1	6	7
		Expected Count	.7	6.3	7.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	14.3%	85.7%	100.0%
		% within Q14 - Do you think that social worker positions in the courtroom are worth funding?	20.0%	13.0%	13.7%
		% of Total	2.0%	11.8%	13.7%
	2.00	Count	0	23	23
		Expected Count	2.3	20.7	23.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	0.0%	100.0%	100.0%
		% within Q14 - Do you think that social worker positions in the courtroom are worth funding?	0.0%	50.0%	45.1%
		% of Total	0.0%	45.1%	45.1%
3.00	Count	4	17	21	
	Expected Count	2.1	18.9	21.0	
	% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	19.0%	81.0%	100.0%	
	% within Q14 - Do you think that social worker positions in the courtroom are worth funding?	80.0%	37.0%	41.2%	
	% of Total	7.8%	33.3%	41.2%	
Total	Count	5	46	51	
	Expected Count	5.0	46.0	51.0	
	% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	9.8%	90.2%	100.0%	
	% within Q14 - Do you think that social worker positions in the courtroom are worth funding?	100.0%	100.0%	100.0%	
	% of Total	9.8%	90.2%	100.0%	

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	4.688 ^a	2	.096
Likelihood Ratio	6.525	2	.038
Linear-by-Linear Association	1.216	1	.270
N of Valid Cases	51		

a. 3 cells (50.0%) have expected count less than 5. The minimum expected count is .69.

A Chi-Square Test of Independence was performed to examine the relationship between attorney type (Q1) and social workers as part of any legal team (Q15). The relation between these variables was significant, $X^2(2, N = 51) = 6.044, p = .049$. Position title is significant and positively related with perception and use of social workers as part of a legal team (Table 4). Forty-five out of fifty-one respondents were not interested in funding social work positions in the courtroom or 88.24% of all respondents. Public defenders were most likely to report interest in having social work positions as part of the legal team at 5 out of 51 or 9.8% of all respondents.

Table 4: The Relationship of Attorney Type (Q1) to the Use of Social Workers as Part of Any Legal Team (Q15)

Crosstab

		Q15 - Do you think that social workers should be a member of the legal team?		Total	
		Yes, Please Explain	No, Please Explain		
Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	1.00	Count	1	6	7
		Expected Count	.8	6.2	7.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	14.3%	85.7%	100.0%
		% within Q15 - Do you think that social workers should be a member of the legal team?	16.7%	13.3%	13.7%
		% of Total	2.0%	11.8%	13.7%
	2.00	Count	0	23	23
		Expected Count	2.7	20.3	23.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	0.0%	100.0%	100.0%
		% within Q15 - Do you think that social workers should be a member of the legal team?	0.0%	51.1%	45.1%
		% of Total	0.0%	45.1%	45.1%
3.00	Count	5	16	21	
	Expected Count	2.5	18.5	21.0	
	% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	23.8%	76.2%	100.0%	
	% within Q15 - Do you think that social workers should be a member of the legal team?	83.3%	35.6%	41.2%	
	% of Total	9.8%	31.4%	41.2%	
Total	Count	6	45	51	
	Expected Count	6.0	45.0	51.0	
	% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	11.8%	88.2%	100.0%	
	% within Q15 - Do you think that social workers should be a member of the legal team?	100.0%	100.0%	100.0%	
	% of Total	11.8%	88.2%	100.0%	

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	6.044 ^a	2	.049
Likelihood Ratio	8.151	2	.017
Linear-by-Linear Association	2.165	1	.141
N of Valid Cases	51		

a. 3 cells (50.0%) have expected count less than 5. The minimum expected count is .82.

A Chi-Square Test of Independence was performed to examine the relationship between attorney type (Q1) and the use of social workers on the defense team (Q16). The relation between these variables was significant, $X^2(2, N = 51) = 6.765, p = .034$. Position title is related with perception and use of social workers on the defense team. (Table 5). Forty-four out of fifty-one respondents were not interested in social workers being a part of the defense team in the courtroom or 86.27% of all respondents. Public defenders were most likely to report interest in having social work positions as part of the legal team at 5 out of 51 or 9.8% of all respondents.

Table 5: The Relationship of Attorney Type (Q1) to the Use of Social Workers on the Defense Team (Q16)

		Crosstab			
		Q16 - Do you think social workers should be a part of the defense team?			
		Yes, Please Explain	No, Please Explain	Total	
Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	1.00	Count	2	5	7
		Expected Count	1.0	6.0	7.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	28.6%	71.4%	100.0%
		% within Q16 - Do you think social workers should be a part of the defense team?	28.6%	11.4%	13.7%
	% of Total	3.9%	9.8%	13.7%	
	2.00	Count	0	23	23
		Expected Count	3.2	19.8	23.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	0.0%	100.0%	100.0%
		% within Q16 - Do you think social workers should be a part of the defense team?	0.0%	52.3%	45.1%
	% of Total	0.0%	45.1%	45.1%	
	3.00	Count	5	16	21
		Expected Count	2.9	18.1	21.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	23.8%	76.2%	100.0%
% within Q16 - Do you think social workers should be a part of the defense team?		71.4%	36.4%	41.2%	
% of Total	9.8%	31.4%	41.2%		
Total	Count	7	44	51	
	Expected Count	7.0	44.0	51.0	
	% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	13.7%	86.3%	100.0%	
	% within Q16 - Do you think social workers should be a part of the defense team?	100.0%	100.0%	100.0%	
	% of Total	13.7%	86.3%	100.0%	

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	6.765 ^a	2	.034
Likelihood Ratio	9.366	2	.009
Linear-by-Linear Association	.399	1	.528
N of Valid Cases	51		

a. 3 cells (50.0%) have expected count less than 5. The minimum expected count is .96.

A Chi-Square Test of Independence was performed to examine the relationship between attorney type (Q1) and the use of social workers on the prosecution team (Q17). The relation between these variables was significant, $X^2(2, N = 51) = 6.044, p = .049$. Position title is related with perception and use of social workers on the prosecution team. (Table 6). Forty-five out of fifty-one respondents were not interested in social workers being a part of the prosecution team or 88.24 percent of all respondents. Public defenders were most likely to report interest in having social work positions as part of the prosecution team at 5 out of 51 or 9.8% of all respondents.

Table 6: The Relationship of Attorney Type (Q1) to the Use of Social Workers on the prosecution team (Q17)

Crosstab

		Q17 - Do you think that social workers should be a part of the prosecution's team?		Total		
		Yes, Please Explain	No, Please Explain			
Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	1.00	Count	1	6	7	
		Expected Count	.8	6.2	7.0	
			14.3%	85.7%	100.0%	
			16.7%	13.3%	13.7%	
			2.0%	11.8%	13.7%	
	2.00	Count	0	23	23	
		Expected Count	2.7	20.3	23.0	
				0.0%	100.0%	100.0%
				0.0%	51.1%	45.1%
			0.0%	45.1%	45.1%	
3.00	Count	5	16	21		
	Expected Count	2.5	18.5	21.0		
			23.8%	76.2%	100.0%	
			83.3%	35.6%	41.2%	
			9.8%	31.4%	41.2%	
Total	Count	6	45	51		
	Expected Count	6.0	45.0	51.0		
			11.8%	88.2%	100.0%	
			100.0%	100.0%	100.0%	
			11.8%	88.2%	100.0%	

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	6.044 ^a	2	.049
Likelihood Ratio	8.151	2	.017
Linear-by-Linear Association	2.165	1	.141
N of Valid Cases	51		

a. 3 cells (50.0%) have expected count less than 5. The minimum expected count is .82.

A Chi-Square Test of Independence was performed to examine the relationship between attorney type (Q1) and the use of social workers in specialized courts (Q18). The relation between these variables was significant, $X^2(2, N = 51) = 7.570, p = .023$. Position title is related with perception and use of social workers in specialty treatment courts (Table 7). Forty-four out of fifty-one respondents were not interested in social workers being a part of specialty courts, such as Veterans or Drug Court, or 86.27 percent of all respondents. Public defenders were most likely to report interest in having social work positions as part of specialty courts at 6 out of 51 or 12% of all respondents.

Table 7: The Relationship of Attorney Type (Q1) to the Use of Social Workers in Specialized Courts (Q18)

Crosstab

Q18 - Should social workers be a part of specialized courtrooms (i. e. Drug Court, Veterans Court, etc.)?

			Yes, Please Explain	No, Please Explain	Total
Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	1.00	Count	1	6	7
		Expected Count	1.0	6.0	7.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	14.3%	85.7%	100.0%
		% within Q18 - Should social workers be a part of specialized courtrooms (i. e. Drug Court, Veterans Court, etc.)?	14.3%	13.6%	13.7%
		% of Total	2.0%	11.8%	13.7%
	2.00	Count	0	23	23
		Expected Count	3.2	19.8	23.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	0.0%	100.0%	100.0%
		% within Q18 - Should social workers be a part of specialized courtrooms (i. e. Drug Court, Veterans Court, etc.)?	0.0%	52.3%	45.1%
		% of Total	0.0%	45.1%	45.1%
3.00	Count	6	15	21	
	Expected Count	2.9	18.1	21.0	
	% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	28.6%	71.4%	100.0%	
	% within Q18 - Should social workers be a part of specialized courtrooms (i. e. Drug Court, Veterans Court, etc.)?	85.7%	34.1%	41.2%	
	% of Total	11.8%	29.4%	41.2%	
Total	Count	7	44	51	
	Expected Count	7.0	44.0	51.0	
	% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	13.7%	86.3%	100.0%	
	% within Q18 - Should social workers be a part of specialized courtrooms (i. e. Drug Court, Veterans Court, etc.)?	100.0%	100.0%	100.0%	
	% of Total	13.7%	86.3%	100.0%	

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	7.570 ^a	2	.023
Likelihood Ratio	9.926	2	.007
Linear-by-Linear Association	3.248	1	.072
N of Valid Cases	51		

a. 3 cells (50.0%) have expected count less than 5. The minimum expected count is .96.

Finally, a Chi-Square Test of Independence was performed to examine the relationship between attorney type (Q1) and the use of social workers to achieve holistic defense (Q32). The relation between these variables was significant, $X^2(2, N = 51) = 6.548, p = .038$. Position title is clearly related with perception and the necessity of social workers to achieve holistic defense. (Table 8). Twenty-eight out of fifty-one respondents did not believe that social workers were necessary to achieve holistic defense for clients or 54.9% of all respondents. Public defenders were most likely to report needing social workers to achieve holistic defense as part of the legal team at 12 out of 51 or 23.5% of all respondents.

Table 8: The Relationship of Attorney Type (Q1) to the Use of Social Workers to Achieve Holistic Defense (Q32)

Crosstab

		Q32 - Do you think that holistic defense (or prosecution) can be achieved without social workers? Please explain your an			
		Yes, Please Explain	No, Please Explain	Total	
Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	1.00	Count	5	2	7
		Expected Count	3.2	3.8	7.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	71.4%	28.6%	100.0%
		% within Q32 - Do you think that holistic defense (or prosecution) can be achieved without social workers? Please explain your an	21.7%	7.1%	13.7%
		% of Total	9.8%	3.9%	13.7%
	2.00	Count	6	17	23
		Expected Count	10.4	12.6	23.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	26.1%	73.9%	100.0%
		% within Q32 - Do you think that holistic defense (or prosecution) can be achieved without social workers? Please explain your an	26.1%	60.7%	45.1%
		% of Total	11.8%	33.3%	45.1%
	3.00	Count	12	9	21
		Expected Count	9.5	11.5	21.0
		% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	57.1%	42.9%	100.0%
% within Q32 - Do you think that holistic defense (or prosecution) can be achieved without social workers? Please explain your an		52.2%	32.1%	41.2%	
% of Total		23.5%	17.6%	41.2%	
Total	Count	23	28	51	
	Expected Count	23.0	28.0	51.0	
	% within Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	45.1%	54.9%	100.0%	
	% within Q32 - Do you think that holistic defense (or prosecution) can be achieved without social workers? Please explain your an	100.0%	100.0%	100.0%	
	% of Total	45.1%	54.9%	100.0%	

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	6.548 ^a	2	.038
Likelihood Ratio	6.750	2	.034
Linear-by-Linear Association	.077	1	.781
N of Valid Cases	51		

a. 2 cells (33.3%) have expected count less than 5. The minimum expected count is 3.16.

The Kruskal-Wallis test was utilized in this context due to non-normality of the underlying data set in order to identify possible relations between attorney perceptions of social workers in general and attorney perceptions of how social workers are integrated into the courtroom. A Kruskal-Wallis test of rank was performed to assess whether there is an effect of attorney perception of social workers on social workers integration into the courtroom. The results indicate significant difference, $H(2) = 11.289, p = .004$ (Table 9). Questions 5, 8, 15, 16, 17, 18, and 32 were significant. No attorney types agreed with question 14, whether social work positions should be funded. These results suggest that there is a statistically significant relationship between attorney attitudes towards social workers in general and attorney perceptions of how social workers are integrated into the courtroom (Kruskal & Wallis, 1952).

Qualitative Analysis

To further examine the responses in detail, each question provided spaces for further explanation that enhanced the results of the quantitative findings. The qualitative, open-ended questions also provided a wealth of information, regarding how practicing attorneys viewed social workers in the field. The most glaring information obtained was that when asked what prevents respondents from utilizing social workers adjacent to their legal practice, the following are a snapshot of questions that were asked (Appendix A) and responses that were received:

Question 6

“Social workers in general are not especially professional. They bring their own problems to the courtroom that they cannot solve and cannot solve the problems of their clients.”

Question 9

“They do not help speed up case disposition.”

Question 11

“Social workers do not bring anything to the table that other professions do. They are not the best diagnosticians, they are unable to prescribe, and they should not be managing cases from inside the courtroom. They do not have any business in working adjacent to our profession.”

Question 14

“There is no funding for social workers and there is no need for extra players in the courtroom.”

Question 18

“Social workers do not bring any skills to the table that other professions do not already provide. LADACs can provide drug treatment, psychologists can provide diagnoses, psychiatrists can provide medications, and anyone with a pulse can provide case management.”

Question 27

“Social workers do not have many valuable skills. Rather they seem to be a profession that is not an expert at anything.”

Question 31

“It is a simple cost-benefit analysis. There is no value when I can do case management for my client and psychologists or psychiatrists can provide their expert opinion.”

Question 44

“Ultimately, social workers are not paid well, and we lose them faster than we can hire them.”

Lastly, in order to examine the intersectionality and potential of dual degree professionals, respondents were asked what they thought of dual degree (JD/MSW) professionals. The following responses were received:

“I do not know anything about dually licensed individuals, but do not see the point.”

“I did not know this was a possibility, but am unsure why this would add any value.”

“Have never met one outside of law school. Seem liked they knew theoretical social and legal constructs, but unsure about how they are used in daily practice.”

“I knew one previous public defender that had a dual degree. He did not find it helpful to his practice of law and mentioned that it simply cost him more money, with no return on that money.”

“I am not sure, for the most part, it seems that they are prevalent in federal courtrooms, but it is a rare occurrence in the State of Tennessee. I am not informed enough to know the value of the extra degree.”

Table 9: Differences to Responses Between Each Attorney Type (1=Judge, 2=District Attorney, 3=Public Defender

	Ranks		
	Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)	N	Mean Rank
Q5 - Have you ever utilized the services of a social worker (on staff, contracted, or mandated)?	1.00	7	18.79
	2.00	23	32.57
	3.00	21	21.21
	Total	51	
Q8 - Do you need more information on what social workers can do within the scope of their licensure before you would agr	1.00	7	20.57
	2.00	23	34.00
	3.00	21	19.05
	Total	51	
Q14 - Do you think that social worker positions in the courtroom are worth funding?	1.00	7	24.86
	2.00	23	28.50
	3.00	21	23.64
	Total	51	
Q15 - Do you think that social workers should be a member of the legal team?	1.00	7	25.36
	2.00	23	29.00
	3.00	21	22.93
	Total	51	
Q16 - Do you think social workers should be a part of the defense team?	1.00	7	22.21
	2.00	23	29.50
	3.00	21	23.43
	Total	51	
Q17 - Do you think that social workers should be a part of the prosecution's team?	1.00	7	25.36
	2.00	23	29.00
	3.00	21	22.93
	Total	51	
Q18 - Should social workers be a part of specialized courtrooms (i. e. Drug Court, Veterans Court, etc.)?	1.00	7	25.86
	2.00	23	29.50
	3.00	21	22.21
	Total	51	
Q32 - Do you think that holistic defense (or prosecution) can be achieved without social workers? Please explain your an	1.00	7	19.29
	2.00	23	30.85
	3.00	21	22.93
	Total	51	

Test Statistics^{a,b}

	Q5 - Have you ever utilized the services of a social worker (on staff, contracted, or mandated)?	Q8 - Do you need more information on what social workers can do within the scope of their licensure before you would agr	Q14 - Do you think that social worker positions in the courtroom are worth funding?	Q15 - Do you think that social workers should be a member of the legal team?	Q16 - Do you think social workers should be a part of the defense team?	Q17 - Do you think that social workers should be a part of the prosecution's team?	Q18 - Should social workers be a part of specialized courtrooms (i.e. Drug Court, Veterans Court, etc.)?	Q32 - Do you think that holistic defense (or prosecution) can be achieved without social workers? Please explain your an
Kruskal-Wallis H	11.289	18.367	4.596	5.926	6.633	5.926	7.421	6.420
df	2	2	2	2	2	2	2	2
Asymp. Sig.	.004	<.001	.100	.052	.036	.052	.024	.040

a. Kruskal Wallis Test
 b. Grouping Variable: Recoded into Three Attorney Types (1 = Judge; 2 = District Attorney; 3 = Public Defender)

DISCUSSION

This project contributed to the lack of knowledge attorneys have regarding the implementation of social workers in the courtroom, and how attorney perceptions of social workers either help or hinder their integration in the courtroom. This project helps lay the groundwork for potential training for social workers and attorneys to work together more efficiently and effectively. This project was a pilot study that utilized a novel questionnaire that had not been utilized before. The quantitative results show that attorney type is positively related to the perception of social workers with one question being an exception. All respondents responded negatively to question 14, where each respondent reported that they were not interested in funding social work positions in the courtroom. This is an interesting finding as it has serious implications for the advocacy efforts for social workers attempting to intervene in courtrooms across the state, highlighting the difficulty in incorporating large scale change across an entire state court system.

Although the responses were not positive, they provided an excellent description of the position that social workers are in that are attempting to practice alongside attorneys. The responses show that social workers can be utilized to introduce concepts of holistic defense, therapeutic jurisprudence, and procedural justice to attorneys and that training can and should focus on those areas. The responses also showed that social workers have to increase both their communication styles and presence in the courtrooms, so that attorneys can know what to do within the scope of their licensure. Lastly, the responses show that social workers have a long way to go advocating for themselves to be able to work in the courtroom and to work alongside attorneys.

Limitations

Due to both the novelty of the questionnaire and small sample size (N = 51), the results are not generalizable to the overall population of attorneys in Tennessee. Additionally, there is some concern that response bias may have been an issue due to the small sample size and the areas in which these responses were received for a variety of reasons. Attorneys outside of the criminal justice system, such as family court attorneys and judges, were not surveyed and may have provided differing responses as well, due to social workers' extensive history working in and alongside family courts. Lastly, questions were not asked of justice involved clients or social workers themselves on how to improve forensic social work practice, which greatly reduced perspectives both on how social workers are currently viewed and possible avenues of training and support could be implemented in the future in order to improve attorney perception of social workers.

CONCLUSION AND FUTURE DIRECTIONS

The State of Tennessee has long been a conservative bastion, without much of a social safety net for criminal defendants or victims. Further insulated from progressive social progress, is the criminal justice system in the state. As one can see, from the discussion, there is much work to be done before social workers can be integrated into the courtroom or even adjacent to it. This study showed that social workers need to

work further to develop an understanding of their profession within the State, including what value they provide when compared to other professions.

The purpose of this study was to improve training of attorneys and social workers and to see where different topics of training could be helpful in furtherance of this goal. There are several avenues here for developing training. The first includes introducing the concepts of procedural justice, therapeutic jurisprudence, and holistic defense to attorneys. The second includes introducing the skills that social workers can provide to attorneys such as mental health and substance abuse assessments and recommendations, case management and referral to services, clinical services for clients, mitigation and/or alternative sentencing plans, re-entry services, legislative advocacy & policy proposals, community advocacy/grassroots program building, and expert witness testimony, including what each skill entails.

The third is improving social work training and education in order to improve understanding of forensic practice. Galowitz (1999) discussion of the University of Maryland's combined classes with law students and social work students proved to be an effective practice in incorporating holistic representation. Perhaps getting back to teaching similar courses for the two professions would help to alleviate the misunderstandings between the two professions, but also assist in changing client outcomes. Lastly, as McCabe (2020) mentioned, social work education itself will have to be revamped in order to include cursory legal education for social workers as part of their undergraduate and graduate education. Furthermore, social workers do not appear to always work directly with attorneys, causing confusion as to what social workers do, given the generalist and comprehensive nature of their profession, further showing the value of the practical education mentioned by Galowitz (1999).

This will be a difficult task to undertake that will most likely take a great deal of time and effort on behalf of both social workers and the attorneys they work with, in order to begin providing valuable resources and supports to clients involved in the criminal justice system. Lastly, two things are certain, social workers will not be able to intervene effectively in the courtroom without both court participants' buy-in to their skills and abilities and funding for those services and supports for clients.

Regarding future directions, this study could be enhanced by examining social workers' perspectives over their integration into the courtroom. This was not done in this study, due to the new nature of social workers being involved in the courtroom and a lack of clear direction on how they were to be used. Client perspectives could also be particularly invaluable as they would be able to describe what would make them "whole" during their legal ordeal and explain what both sides could utilize social workers for. Arguably, further pilot studies will be needed both in state and in other states that utilize social workers differently, before adequate conclusions can be drawn about how to best utilize social workers in the courtroom. Additionally, outcome studies for services provided would help bolster the understanding of what social workers do, if those services are adequately and effectively applied when utilized in courtroom settings, and if those services can be applied to other states, and even other settings within the criminal justice system.

This study has the potential to revolutionize how social workers are utilized in the courtroom and just how much the perceptions of other professionals' impact how social workers are able to ethically and competently perform their duties in host institutions. Hopefully these results can be utilized to expand both services for defendants and victims, while also removing unnecessary barriers to systematic intervention on behalf of all clients that enter into a courtroom.

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Appendix A

Survey Questions

DEMOGRAPHIC QUESTIONS

This section will ask you questions regarding your professional background.

Question 1

What is your current title?

- General Sessions Judge
- Criminal Court Judge
- Chancellor
- District Attorney
- Assistant District Attorney
- Public Defender
- Assistant Public Defender
- Other (Fill in the Blank)

Question 2

Have you previously practiced law under a different title?

- Yes
- No
- *Skip to Q3 if No*

Question 3

If you have previously practiced law under a different title, what was your title? For example, previously an ADA, APD, or Private Criminal Defense Attorney.

- General Sessions Judge
- Criminal Court Judge
- Chancellor
- District Attorney
- Assistant District Attorney
- Public Defender
- Assistant Public Defender
- Other (Fill in the Blank)

Question 4

How long have you practiced law in any capacity (in years)?

- Fill in the blank

UNDERSTANDING ABOUT THE SOCIAL WORK PROFESSION

This section will ask you questions regarding your knowledge of the social work profession.

Question 5

Have you ever utilized the services of a social worker (on staff, contracted, or appointed)?

- Yes
- No

Question 6

What is your general view of social workers?

- Fill in the blank

Question 7

Are you aware of what social workers can do within the scope of their licensure?

- Yes
- No

Question 7a

If answer to question 7 was yes: what activities do social workers do within the scope of their licensure? If answer to question 7 was no, skip question.

- Fill in the blank

Question 8

Do you need more information on what social workers can do within the scope of their licensure before you would agree to commit to their involvement in the courtroom?

- Yes
- No
- I am not interested in involving social workers in the Courtroom.

SOCIAL WORK IN THE COURTROOM

This section will ask your opinions about involving social workers as a part of all legal proceedings.

Question 9

Do you think that social workers should be involved in criminal proceedings? Please explain your answer.

- Fill in the blank

Question 10

Do you think that social workers should be involved in civil proceedings? Please explain your answer.

- Fill in the blank

Question 11

Do you think that social workers' professional opinions related to the case carries any weight in the courtroom? Why or why not?

- Fill in the blank

Question 12

Have you ever agreed with the opinions of social workers who have assisted you in the past? *Skip if No*. If you have never utilized the services of a social worker skip this question.

- Fill in the blank
- *Skip Question*

Question 13

Do you think that social workers can assist in providing resources for the client, better than an attorney?

- Yes, Please Explain
- No, Please Explain

Question 14

Do you think that social worker positions in the courtroom are worth funding?

- Yes, Please Explain
- No, Please Explain

Question 15

Do you think that social workers should be a member of the legal team?

- Yes, Please Explain
- No, Please Explain

Question 16

Do you think that social workers should be a part of the defense team?

- Yes, Please Explain
- No, Please Explain

Question 17

Do you think that social workers should be a part of the prosecution's team?

- Yes Please Explain
- No, Please Explain

Question 18

Should social workers be a part of specialized courtrooms (i.e. Drug Court, Veterans Court, etc.)?

- Yes, Please Explain
- No, Please Explain

Question 19

Should social workers be utilized to provide risk assessments to the court?

- Yes, Please Explain
- No, Please Explain

Question 20

If yes to question 19, should the risk assessment be completed by:

- The Defense Team
- The Prosecution Team
- On behalf of the Court
- By a third party
- None of the Above, *Go to Question 21*
- All of the Above

Question 21

If risks assessments are used, which facets should they include (Check all that apply):

- Probability of Recidivism
- Probability of Relapse
- Lethality Assessment (Suicidal / Homicidal Capability)
- Educational History
- Developmental History
- Aggravating Factors
- Mitigating Factors
- Physical Health History
- Mental Health History
- Social Worker's Clinical Opinion of Client Outcomes
- Social Workers' Clinical Opinion of needed treatment or services

Question 22

How do you think social workers are best used to augment the practice of law in sessions or criminal court?

(Select all that apply)

- Mental Health / Substance Abuse Assessments & Recommendations (Including treatment plans & Progress Notes)
- Case Management & Referral to Services
- Funding for Services (i.e. dedicated funds, grant funding, grant writing)
- Clinical Services for Clients (i.e. Therapy, Intensive Outpatient Program Services, or Relapse Prevention in jails or community)
- Mitigation and/or Alternative Sentencing Plans
- Re-Entry Services (Housing, Transportation, Basic Necessities)
- Legislative Advocacy & Policy Proposals
- Community Advocacy / Grassroots Program Building (Program Creation / Program Management / Program Evaluation)
- Expert Witness Testimony
- Client Risk Assessment (Recidivism/Relapse)
- None of the above. Social workers should not be used to augment the practice of law in sessions or criminal court
- All of the above.

Question 23

Do you know what skills social workers provide in the courtroom and to clients?

- Yes, Please Explain
- No, Please Explain

Question 24

Do you think that social workers should be a part of multidisciplinary legal teams?

- Yes, Please Explain
- No, *Go to Question 24a*

Question 24a

If no, do you think that social workers should be hired as consultants?

- Yes, Please Explain
- No, Please Explain

ETHICS AND THE TWO PROFESSIONS

This section will ask you about the ethical obligations of both the legal and social work professions.

Question 25

Do you think that both fields (i.e. law and social work) seek to serve the best interests of their clients?

- Yes, Please Explain
- No, Please Explain

Question 26

Do you think that both professions advocate for their clients?

- Yes, Please Explain
- No, Please Explain

Question 27

Do you think that social workers offer different perspectives than attorneys on client issues?

- Yes, Please Explain

- No, Please Explain

Question 28

Do you think that social workers and attorneys have the same rationales for existence as a profession (i.e. “Social Justice”)?

- Yes, Please Explain
- No, Please Explain

Question 29

Can social and legal justice be obtained with both social workers and attorneys?

- Yes, Please Explain
- No, Please Explain

SOCIAL WORKER AND ATTORNEY COMMUNICATION AND COLLABORATION

This section will ask you about possible social worker and attorney communication and collaboration.

Question 30

What do you think about JD/MSW professionals that hold both degrees?

- Fill in the blank

Question 30a

Where is a JD/MSW professionals’ place in the courtroom?

- Fill in the blank

Question 31

What prevents attorney collaboration with social workers?

- Fill in the blank

Question 32

Do you think that social workers can be a part of procedural justice (justice for both sides following routine legal proceedings)?

- Yes, Please Explain
- No, Please Explain

Question 33

Do you think that social workers can be a part of therapeutic jurisprudence (meeting individual needs through legal intervention)?

- Yes, Please Explain
- No, Please Explain

Question 34

What do you know about holistic defense (or prosecution) (the use of multidisciplinary legal teams to achieve justice)? Please explain your answer.

- Yes, Please Explain
- No, Please Explain

Question 35

Do you think that holistic defense (or prosecution) can be achieved without social workers? Please explain your answer.

- Yes, Please Explain
- No, Please Explain

Question 36

Regarding holistic defense (or prosecution), do you believe that greater supervision of and accountability for clients is attainable under this model? Please explain your answer.

- Yes, Please Explain
- No, Please Explain

Question 37

Do you think that holistic defense (or prosecution) can improve defense services or victims' services, respectively? Please explain your answer.

- Yes, Please Explain
- No, Please Explain

Question 38

Do you think that holistic defense (or prosecution) can improve factors that contribute to a client's continued involvement in the criminal justice system?

- Yes, Please Explain
- No, Please Explain

Question 39

Do you think that holistic defense (or prosecution) can improve defendant or victim ties with the community that serve as a preventative measure to recidivism?

- Yes, Please Explain
- No, Please Explain

Question 40

Do you think that holistic defense (or prosecution) can improve the perception of the criminal justice system to the general public?

- Yes, Please Explain
- No, Please Explain

Question 41

Do you think that social workers can be used to reduce the number of courtroom proceedings?

- Yes, Please Explain
- No, Please Explain

Question 42

Do you think that social workers can reduce the amount of work that attorneys have to do to meet their clients' needs? Please explain your answer.

- Yes, Please Explain
- No, Please Explain

Question 43

What has prevented you from utilizing social workers in the past? If you have used a social worker, *skip this question.*

- Fill in the blank

Question 44

What may prevent you from utilizing social workers in the future?

- Fill in the blank

Question 45

Could social workers be used to improve attorney-client communication?

- Yes, Please Explain
- No, Please Explain

Question 46

Can social workers address your client's social needs and subsequent outcomes?

- Yes, Please Explain
- No, Please Explain

Question 47

Do you think holistic services may reduce the number of individuals incarcerated?

- Yes, Please Explain
- No, Please Explain

Question 48

Can social workers provide a different perspective than attorneys for the courtroom?

- Yes, Please Explain
- No, Please Explain

Question 49

Think about a time where utilizing a social worker went well. Please explain below.

Question 50

Think about a time where utilizing a social worker did work well. Please explain below.