

TABLE 2: COLLABORATIVE MODELS AND LEGAL THEORIES

TYPE	ROLE	AGENCY EXAMPLES	HOW TO MANAGE DIFFERENCES IN ETHICAL DUTIES
Social worker as member of legal team	Social worker ²⁶³ -is apprised of the developments of the legal case -offers clinical expertise and emotional support in furtherance of legal case - consultation to attorneys - crisis intervention services - social science research - aid in sentencing -assistance with development of case strategy	<i>Bronx Defenders</i>	Derivative attorney-client privilege and lawyer-client confidentiality
	Social Worker as Social Services Advocate (SSA) ²⁶⁴ -consultation to attorneys -crisis intervention -clinical evaluations for aid in sentencing -case management and referral services -offers clinical expertise and emotional support in furtherance of legal case	<i>Committee of Public Counsel Services</i>	Some divisions operate under a theory of derivative attorney-client privilege and lawyer-client confidentiality The protocol of at least one division is to give clients an engagement letter describing the risks of working with a social worker.
	Social worker at law school clinical program ²⁶⁵ -Information gathering and referrals -case management -re-entry planning -consultation on case theory development -social science research and contributions to pleadings and amicus briefs - in house trainings for law students	<i>Boston College Law School clinics</i>	Derivative attorney-client privilege and lawyer-client confidentiality
	Social worker at law school clinical program ²⁶⁶ -Offers trauma-informed lens to legal team and emotional support to clients -case management ²⁶⁷ -co-teaches course: Trauma, Refugees and Asylum Law -clinical supervision to students -clinical assessments ²⁶⁸	<i>Harvard Immigration and Refugee Clinical Program</i>	Derivative attorney-client privilege and lawyer-client confidentiality

²⁶³ Telephone Interview with Caitlin Becker, Managing Dir. of Soc. Work, Bronx Defs. (Apr. 11, 2022).

²⁶⁴ Interview with Olivia Dubois, *supra* note 25.

²⁶⁵ Interview with Claire Donahue, *supra* note 201.

²⁶⁶ Interview with Liala Buoniconti, Soc. Worker, Harvard Immigr. & Refugee Clinical Program, Harvard L. Sch., in Bos., Mass. (Apr. 5, 2022).

²⁶⁷ *Social Work*, HARV. L. SCH. CRIM. JUST. INST., <https://clinics.law.harvard.edu/cji/social-work/> (last visited May 9, 2022).

²⁶⁸ *Id.*

Social worker not working in capacity as social worker but member of legal team	Social worker as paralegal ²⁶⁹ -brings social work training and perspective to bear on legal advocacy while not explicitly delivering social work services	<i>Greater Boston Legal Services</i>	Paralegal with MSW is not a mandated reporter, not acting in their capacity as social worker.
Social worker “parachutes into legal sector” ²⁷⁰	Social worker as consultant, independent contractor ²⁷¹ -May consult on particularly difficult aspects of a legal case such as when a client is presenting with difficulties of a psychological or emotional nature.	<i>Greater Boston Legal Services</i>	Any potential conflict is avoided because the consulting services of the social worker can be utilized without sharing anything about the client-attorney communications.
	Social worker as evaluator for particular case	<i>Widely used in immigration practice with asylum seekers</i>	No ethical conflict because the evaluator is working with client separately and is not necessarily apprised of the client-attorney communications.
Social worker with independent relationship to client	Social worker as therapist ²⁷² -Offers mental health services to clients -Offers forensic/psychological evaluations for immigration cases -Offers trainings on clinically relevant topics to legal team	<i>De Novo</i>	An ethical wall exists between the counseling and legal programs. The in-house policy requires client’s informed consent when working with a non-lawyer who may be a mandated reporter. Legal team has a non-mandated reporter case manager working to handle social service and public benefit needs. Individualized determinations about when social workers and lawyers should meet together with clients are made.
Non-social worker offering social services	Case manager (not an MSW) ²⁷³ -Offers assistance with housing search and access to resources/public benefits	<i>De Novo</i>	No ethical conflict because case managers are not included in the list of mandated reporters in the mandating reporting statute in Massachusetts.

²⁶⁹ Interview with Dan Manning, *supra* note 19; Interview with Liliana Ibara, *supra* note 19.

²⁷⁰ Anderson et al., *supra* note 177.

²⁷¹ Interview with Dan Manning, *supra* note 19; Interview with Liliana Ibara, *supra* note 19.

²⁷² Interview with Elizabeth Brusie, *supra* note 130.

²⁷³ *Id.*