

laboration are able to arrange adoptions which offer the best legal safeguards to the parties involved.

## VI. CONCLUSION

It cannot be overemphasized that adoption is a field in which the professions of social work and the law must work in partnership to achieve the goal in which both are unquestionably invested, the best interests of the children involved.

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## LAW FOR SOCIAL WORKERS

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Of the two related topics—Social Work for Lawyers and Law for Social Workers—the present paper deals with the latter. The framework of the paper is simple. It suggests a title and then offers a tentative statement of content.

We are not interested in making lawyers into social workers, or vice versa. We recognize that in our present complex civilization, there is room for a variety of professions. Present tendencies indicate no interruption in the drift or drive toward increased specialization. That movement seems to be taking care of itself. What we are concerned with is that in this endeavor by each professional group to know more and more about less and less, we should not lose touch with each other. We are all functioning completely to solve human problems. When a problem is simple enough to be solved completely by resources now available in the field of law, we may expect lawyers will solve it. When the problem is simple enough to be solved completely by resources now available in the field of social work, we may expect social workers will solve it. The human problems which concern us today are of a more complex kind, those which cannot be solved completely by the resources of any one profession. For these, we need some sort of inter-professional cooperation. Interprofessional cooperation covers a lot of

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territory. We are concerned with one portion of the field—perhaps one of the simpler portions. We would build greater interprofessional cooperation between two professional fields—law and social work. More specifically, we would tell the social worker enough about the law to improve this effort of mutual acquaintance.

### I. TITLE

It is perhaps simple to select a title such as: A Course in Law for Social Workers. I suggest that it is more appropriate to use the phrase: A Course in the Lawyer for Social Workers. The study of the principles of law is a life-long task. One who attempts to acquire proficiency in it by short cuts is deceiving no one but himself. A study of the principles of social work is, I am sure, a life-long task. Attempts at acquiring the necessary information and skills in a few easy lessons is impracticable.

But members of a profession are different from the tools and skills they use to accomplish their results. It is possible and practicable for me as a lawyer to know a social worker and still have only a minor acquaintance with his tools. If the client problem on which I am working calls for social work tools, I can apply to my friend the social worker and he will use his own tools far more skillfully and with better perspective than I can hope to achieve. By a similar process of reasoning, he can solicit my help and I can use a lawyer's tools to aid him with his client's problem.

### II. OCCASIONS FOR INTERPROFESSIONAL COOPERATION

When may a social worker need to engage in interprofessional cooperation with a lawyer? We may answer this problem topically and discuss in the abstract the consequences of two divergent disciplines impinging one upon the other. Functionally, however, we bring our discussion into the realistic field. The social worker has a client. The client has a problem. The problem is so complex that the resources of the field of social work are not sufficient for a complete solution. The social worker surveys the community in which he lives to determine the community resources which are available. Of those resources, the law is one. The realistic question is how to secure this resource for this client's problem. Obviously, if the social worker knows a lawyer a step is taken. If the social worker and the lawyer know how to work together, a second step is taken. A course in how the two can learn to

work together in the mutual solution of a client's complex problem seems basic. From it will arise all sorts of considerations which will find suitable lodgement, not in a basic, but in an advanced course in which the two philosophies may be homogenized or blended, or integrated.

Functionally speaking, then, a social workers needs interprofessional cooperation from a lawyer in the course of working with a client's problem. We may illustrate this by calling attention to three steps in the handling of a client's problem, or, three occasions at which the two disciplines have occasion to meet.

*Occasion 1.* The social worker is holding the initial interview with a client. He is gradually absorbing the facts out of which the client's problem arises. As long as those facts and that problem are of a sort with which he is prepared to deal on his own account with the resources from the field of social work, he has no need for help from any other profession. But there are other cases not so readily solved. He knows what sort of facts are socially relevant. He needs the lawyers to point out those which have legal significance.

*Occasion 2.* The social worker is endeavoring to answer the "sixty-four dollar question"—what can I, or may I, or should I do for this client? Here again, there are situations in which community resources rather than those from any particular field are needed. The social worker can see the relevance of these resources from his side of the fence. He needs the lawyer to clarify their legal significance.

*Occasion 3.* The social worker is endeavoring to implement a plan of campaign for solving the client's problem. Here again there are times when it would be helpful to have the cooperation of a lawyer. The social worker may be competent to predict social consequences. He needs the lawyer to prophesy as to the law.

To help the social worker deal with these interprofessional problems, I suggest we may take either of two extreme positions, but I hope we do not. We may on the one hand, visualize theoretically a super social worker who is omniscient, who knows not only social work, but religion, medicine, law and all the rest of the professional disciplines. This complete breakdown of the distinction between the professions seems to me both impracticable and unnecessary. At the other extreme, we may adopt a strictly departmentalized concept of the various social sciences and law and expect each group absolutely to limit itself to its own specialty. This also strikes me as unrealistic and very poor public

relations. It will tend to create interstitial gaps. The "omniscient" social worker might be no more than a jack of all trades and master of none. When he ventured to use resources, concepts, tools, which have been developed and perfected by workers in an adjoining professional field, there would be danger of blind, naive opportunism; recklessness and irresponsibility, almost certainly lack of the requisite skill and self-discipline. If on the other hand, he hides his head in the sand whenever an unfamiliar client problem appears over the horizon, lots of clients will receive, at best, narrow, specialized, spotty solutions when they have a right to expect something of a comprehensive, inclusive character. We can only guess what lay clients under such circumstances would think of those of us who pose as professional people.

### III. CONTENT

I suggest then that we should build a course in which the commodity which passes from instructor to student is information and skills about "The Lawyer" and not the law.

#### *Four Objections to Using Law as a Commodity*

1. The place to learn law is a law school, not a school of social work. A little knowledge is a dangerous thing and even the three-year law school curriculum is all too short to train a man to think like a lawyer. A single course would barely scratch the surface and might leave a nasty wound. Why should we offer a commodity we know to be inadequate.

2. The course in law is topical. The social worker and the lawyer, when they are dealing with a client's problem, think functionally. The relevant question is not merely: what is the correct rule of social work or law; but, rather and more inclusive, what shall I do for this client who has an unsolved problem? A course which included real clients and real problems should, at the present stage of our knowledge of interprofessional cooperation, be more useful in this interprofessional connection than one which dealt merely with abstract principles. When the curriculum of the school of social work expands to the point at which two courses in legal matters are available, there may be a place for one of them in the practical area of interprofessional cooperation and the other in the theory of interprofessional cooperation. But a topical course in law, even in law relating to social work, is more

useful in the pattern of a law school than of social work school curriculum. Why should we feel bound to a topical approach?

3. Law is a commodity which the social worker cannot use without violating the statutes forbidding the unauthorized practice of law. Why should we give him something he cannot use?

4. Law is a commodity which is supposed to be used by lawyers. Canon 47 of the Canons of Professional Ethics of the American Bar Association contains a sweeping and inclusive professional prohibition:

No lawyer shall permit his professional services, or his name, to be used in aid of, or to make possible, the unauthorized practice of law by any lay agency, personal or corporate.

Why should lawyers put themselves in such a position?

#### IV. A COURSE IN THE LAWYER FOR SOCIAL WORKERS

##### *Background*

The background material may be included in a simple pamphlet or brochure which the social worker may read and even discuss in class. It may fall into three parts:

A. The tools which a lawyer uses in solving his client's problems, such as: (1) the judicial department in a republic; (2) the legal profession with its public relations and regimentation programs; (3) the law: how it is made by legislature, by court and by administrative tribunal; (4) the nature of litigation and adversary process—how decisions are made in specific cases.

B. Danger signals in interprofessional cooperation, such as: (1) the lack of a mutual vocabulary with the consequences that words are used by both groups but with different connotations in each. A dictionary will be needed; (2) the tendency for each group to develop its own short hand, its own technical jargon, which is incomprehensible to the other. The ability to think on two levels at once is necessary; (3) the nature and use of legal abstractions, which may make the lawyer appear to the social worker as an arcane medicine man. Symbols which the social workers can understand if not use should be provided; (4) the specific resources of the field of law and the limitations implicit in them. For example, divorce may separate legally husband and wife. It may not make them any better off. They should be listed and described so the social worker will neither overestimate or underestimate

what the law can do; (5) the means employed by the lawyer in reaching legal goals so the social worker can understand what the lawyer is doing; (6) the use of force—the force of the state in endeavoring to solve human problems. An effort should be made to show when and how it may be used to advantage.

C. How an orderly practicing lawyer thinks while he is endeavoring to solve a client's problem. The social worker may benefit by knowing that the lawyer thinks in at least two dimensions: in terms of continuity, a journey with well marked stages; in terms of comprehensiveness, including the client's problem, relevant legal documents, the principalities of clients and other people, the resources of the community. A brief brochure covering these points should be sufficient.

#### *Implementation*

The other part of the course would be entirely practical. Having told the social worker something about the problems of working interprofessionally with a lawyer, we would sit the two of them down together opposite a real client, who has a real problem, and under supervision have them engage in the task of attempting a solution.

For this second part of the course, four factors beside the social work student would be necessary: an office; a lawyer willing to cooperate; a client with a problem requiring interprofessional attention; and supervision. The course would not be of the classroom variety. Perhaps we might call it something like laboratory work in the physical sciences. If time permitted the social worker might engage cooperatively in solving a series of cases providing variety, more adequate coverage, the professional self confidence which comes from substantial participation.

The supervision for this part of the course would be supplied by a cooperation between an experienced social work instructor and the lawyer teaching the instant course. Various social agencies might be available for the requirements of office and client and problem. Probably, however, it would be easier to get a lawyer from a Legal Aid Clinic, than in any other way. In other words, the required materials and personnel are not an impossibility. All that we need is a degree of imagination and resourcefulness.

#### IV. RESULTS

The proposed course may be expected to achieve various desirable results:

1. It should teach this social work student and this law student something about how to work together cooperatively in a real problem with interprofessional implications.

2. It should supply us teachers clinically with a wealth of information about the subject of socio-legal cooperation and thus, perhaps, lead us to the point where we could offer another more advanced course in which there would be some attention paid to the theory of interprofessional cooperation.

3. It would provide a balance in the development of a university. Nowadays the tendency toward specialization toward depth is marked. All too little is done in the direction of studying integration, breadth. Depth alone may become narrow, just as breadth alone may be superficial. The balance between the two is hard to maintain.

4. It would be a real step toward an ideal voiced in 1923 by Dean Roscoe Pound. Speaking before the National Conference of Social Work, Dean Pound in a memorable address said: "All the social sciences must be co-workers, and emphatically all must be co-workers with jurisprudence."