

Holistic Defense Social Work Toolkit



**The Bronx
Defenders**



THE CENTER FOR
Holistic Defense
A Project of The Bronx Defenders

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Section I: **Intro to Holistic Defense**



WHAT IS HOLISTIC DEFENSE?

[Holistic defense](#) is an innovative approach to public defense that coordinates zealous, client-centered representation across various systems. As defenders, we understand how profoundly destabilizing contact with the legal systems can be. Whether this contact occurs in criminal, family, or civil court, there are often far-reaching and profound penalties in other systems that further ensnare our clients. The impact of a criminal contact can be [family regulation system involvement](#), loss of public benefits, as well as the stress of navigating punitive legal systems. The people we represent are always at the center of our advocacy, informing the steps the defense team will take by identifying their goals, needs, and priorities.

Holistic defense combines aggressive legal advocacy with a broader recognition that for most people, a criminal charge is not the only issue with which they struggle. The key insight of holistic defense is that to be truly effective advocates for our clients, defenders must broaden the scope of our work to include both the collateral consequences or enmeshed penalties of criminal legal system involvement as well as the underlying issues, both legal and non-legal, that play a role in driving our clients into the criminal legal system in the first place.

WHY HOLISTIC DEFENSE?

Defenders meet the people we represent at an extremely challenging moment in their lives. Our role is to zealously defend our clients against the accusations brought by the government. In order to do that effectively, we need to understand the context that led to that moment and the penalties that can arise out of system involvement. When defenders have a more expansive understanding of our clients' lives and goals, we are able to achieve more favorable case dispositions. When we help our clients address the underlying causes of system contact, we can mitigate the risk of further system involvement. With a trusted team helping navigate the legal systems, clients can make more informed decisions about how to proceed in their cases.

**Watch video
testimonials of
Bronx Defenders
Clients here.**

The Bronx Defenders opened its doors in 1997. Our staff consisted of one social worker, an office assistant, and six criminal defense attorneys. Over time, we developed small-scale projects, then built out larger practice areas responsive to the needs of the people we represent. We've expanded in size and scope to offer our clients support within a holistic defense model.

- [Criminal Defense](#)
- [Family Defense](#)
- [Immigration Defense](#)
- [Civil Action](#)

Public defenders around the country have begun to embrace a holistic model of representation, and the model continues to evolve responsive to the particular needs of the people served in each community. Here are just a few examples of holistic practices taking root at defender offices around the country:

- [Arch City Defenders](#)
- [Santa Barbara County Public Defenders Office](#)
- [Santa Cruz County Office of the Public Defender](#)
- [Still She Rises \(Tulsa, Oklahoma\)](#)
- [Tribal Defenders Office of The Confederated Salish and Kootenai Tribes of the Flathead Nation](#)

PILLARS OF HOLISTIC DEFENSE

The four pillars of holistic defense provide a roadmap for building a holistic defense model responsive to the unique needs of the clients and communities served.

Seamless access to services:

Holistic defense begins with a commitment to addressing clients' most pressing legal and social support needs.

Because the universe of these needs will vary from community to community, a holistic defender office must begin by identifying the full range of client needs.

[Seamless Access to Services in Action](#)

Dynamic, interdisciplinary communication:

The interdisciplinary team alone is not what drives the success of holistic defense — it is the team's culture of open, frequent, and meaningful communication.

[Dynamic, Interdisciplinary Communication in Action](#)

Advocates with an interdisciplinary skillset:

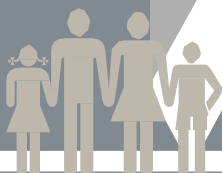
A holistic defender goes beyond the zealous advocacy of the committed public defender with an enhanced set of skills that are both client-centered and interdisciplinary.

[Advocates with an Interdisciplinary Skillset in Action](#)

A robust understanding of – and connection to – the community served:

Holistic defense recognizes that an advocate who is better able to relate to their client, by having spent time in their neighborhood and with members of their community, will be more likely to provide authentic and effective representation.

[A Robust Understanding of and Connection to the Community Served in Action](#)



Section 2: **Building a Practice: Where to Begin**



RESEARCH

Researchers have studied the efficacy of holistic defense, and this research may be useful as offices are educating internal and external stakeholders about the importance of expanding representation to include a holistic approach. For example:

- A [study](#) by the Rand Corporation and the University of Pennsylvania Law School, published in the Harvard Law Review, found that over a ten year period clients represented by holistic defenders spent 1.1 million fewer days in custody or other forms of mandatory detention than clients represented by a more traditional public defender office.
 - A [study](#) by Casey Family Programs found that the children of parents who were represented by holistic defenders spent 118 fewer days on average in foster care than parents represented by traditional defenders.
 - The National Judicial Task Force To Examine State Courts' Response to Mental Illness highlighted the [important role defense teams](#) play in supporting and advocating for clients with mental illness.
 - A [study](#) of the holistic model of the Maryland Office of the Public Defender provides insights and lessons learned for offices considering establishing or expanding holistic defense practices.
-

FELLOWSHIP OPPORTUNITIES

There are fellowship programs that bring non-attorney advocates to work in public defender offices.

- [Partners for Justice](#) embeds client advocates in public defender offices to help connect clients with community resources for housing, benefits, mental and physical health education, and other programs to meet their goals both inside and outside of their legal cases.
 - The [NLADA VISTA in Public Defense](#) program helps public defenders build capacity for data collection and community resources.
-

DATA:

TELLING THE STORY OF OUR WORK

In 2022 and 2023, BxD’s Center for Holistic Defense (CHD) sought to understand the impact of the social work role on holistic defense teams. CHD convened meetings with more than 20 advocates from 16 defender offices across the United States who are studying the data about social workers in public defender offices. In each discussion, the participants focused on how to maximize positive outcomes for clients. Advocates from all 16 jurisdictions emphasized the need to be able to demonstrate the social work impact to funders and policy-makers. BxD facilitators offered the [Bronx Defenders’ Client Experience Survey](#) as a resource for measuring the impact of the work we are doing from the best possible source – our clients.

Because each defender office is unique, rather than providing a template, we have developed a list of questions and factors to consider when designing data tools and methodology to examine the impact of social work. It is important to recognize that the goals and approach to this type of data collection by an office will inevitably change over time and that it is okay to start small.

“Our data only represents a small portion of our clients that we serve. But we do see positive changes on a micro level, in individual cases we’re seeing little wins we’re engaging in. Our goal is to get those micro-level wins to macro-level wins in Westchester County.” **Tornishia Destin**, *New York*

Data: Factors to Measure Case information (charges, detention, judge, disposition)

- **Client demographics**
- **Client referrals**
- **SW intervention** (team meetings, communication with client, written mitigation)
- **Impact of SW** (connection to services, detention, advocacy connected to case resolution)

Data: Questions and Considerations for Developing Data Points

- How do we determine what data points are the most meaningful?
- What's the story we want to tell?
- What data do we want to collect and why?
- How do we track outcomes?
- What will limit our ability to collect and analyze that data?
 - If we are limited in what we can collect or how, which data points are the most versatile?
- How do we determine what data points are the most meaningful?
- Is there a best system for social work data collection?
 - If not, what does a case management system need to have to effectively collect this data?
 - What does training and support look like for data entry?
 - Who needs to be included in those conversations?
- How does data collection differ in different contexts and court systems?
- What is the context of the data we are collecting and the story it tells?
- How does the context limit our ability to effectively collect or analyze data?
 - Do those limitations impact the reliability of our conclusions? If so, how do we address them?
- How can we use qualitative data to complement the quantitative data?
 - Keeping a lot of stories of success

Consider the [Social Work Data Points Manual](#), published by the Michigan Indigent Defense Commission.

ORGANIZATIONAL STRUCTURE AND SUPERVISION

As public defenders bring social workers into their offices, leaders should also integrate social workers into their leadership team. Having a non-attorney advocate on the leadership team encourages a holistic lens in decision-making as the model unfolds. Especially in offices that are predominantly made up of lawyers, leadership that is solely attorney-led will not be as attuned to the needs and perspectives of non-attorney staff members. From operations to training, a leadership team that mirrors the holistic model brings the benefits from a diversity of professional backgrounds and perspectives.

This social worker/non-attorney advocate leader should be in regular communication with attorney leadership as the holistic model unfolds. This also includes social work practice-wide meetings and peer spaces that develop skills and support, like writing workshops. There should be a continuous feedback loop to understand and troubleshoot the challenges social workers and advocates are encountering on cases, with clients, and on interdisciplinary teams.

Ideally, non-attorney advocates and social workers in a public defender office are directly supervised by non-attorney advocates and social workers, not attorneys, who are better able to mentor, guide, and advocate for the people they supervise. As a practical matter, in offices with a small number of non-attorney advocates and social workers, this may require setting up dotted line external supervision structures for support.

LESSONS LEARNED FROM DEFENDER LEADERS

[Reflections](#) from a Center for Holistic Defense Gathering
of Bronx Defenders Alumni

“Bringing social workers into our program transformed our approach to criminal defense work. They have moved us from being reactive to proactive. Before, it was common for us to find out what kind of problems our clients have and wonder what, if anything, we can do. Now, we engage in genuine accompaniment. Social workers help us work in partnership with our clients to discover solutions that both fit their needs and help their criminal case. I never want to practice without a social worker on the team.”

James McDermott
Chief Defender,
Far West Texas
Regional
Public Defender

Section 3: **Unique Role of Defense Social Worker**



INTRO TO DEFENSE SOCIAL WORK

The role of defense social workers is different from the role of social workers in social service or clinical settings. Defense social workers are advocates, part of the confidential legal team, and share a duty of loyalty to the people they represent. Rather than provide therapeutic services, social workers use their clinical skills, knowledge, and training to advance clients' legal goals. Elizabeth Keeney and Robin Steinberg have [explored](#) the unique role of social workers on holistic defense teams.

Specialized Skills

Defense social workers and advocates bring strengths-based, trauma-informed approaches to interviewing clients and witnesses. They practice active listening, support alternate ways to develop a case theory and mitigation, and build connections to community-based resources. They can support clients who are struggling with mental health challenges, trauma, cognitive limitations, or other challenges that make it difficult to navigate their cases.

Where Defense Social Workers Advocate

Defense social workers advocate in many different spaces – in the courtroom including at first appearances, bail applications, plea pitches, and sentencing; outside of the courtroom during plea negotiation with opposing counsel, communications with service providers, treatment programs, detention facilities, in meetings with other prosecuting agencies (including child protective services), at public benefits offices and hearings; in the office, and in the community.

Checklists

- BxD's [Arraignments Checklist](#)
- BxD's [Civil Action Practice Social Work Checklist](#)
- BxD's [Criminal Defense Social Worker Role Checklist](#)
- BxD's [Family Defense Social Work Checklist](#)
- BxD's [Immigration Defense Social Work Role Checklist](#)

CONFIDENTIALITY AND PRIVILEGE

Intro to Confidentiality and Privilege

- Every office that incorporates social workers into the legal team will need to create clear policies with regard to confidentiality, privilege, and mandatory reporting. Laws around mandatory reporting vary by state, so you should consult your local law regarding mandatory reporting requirements.
- As public defenders, our privileged relationship with clients is a cornerstone of our representation. We cannot promise that we will win their case or achieve any other outcome that is ultimately beyond our control. We can, however, commit to confidential counsel and zealous advocacy. It is important for public defenders to think carefully about how to protect that privilege while bringing on new members of the team.
- The people we represent should be informed that all team members, including social workers, are part of the legal team, bound by attorney/client privilege and will not share clients' information without explicit client consent.
- The people we represent should be informed that members of their legal team will share all case information with one another to coordinate work and to provide the best possible representation.
- All members of the legal team should be familiar with the jurisdiction's ethical rules with a particular focus on confidentiality, privilege, and the conduct of non-lawyers.

Research and Ethics Opinions

- [Professional Ethics in Interdisciplinary Collaboratives: Zeal, Paternalism, and Mandated Reporting](#)
- [National Association for Public Defense Ethics Opinion](#)
- [National Legal Aid and Defender Association: The Interdisciplinary Defense Team and Confidentiality: What Defenders Need to Know](#)

Introducing the Social Worker: Clients

- There are many reasons that the people we represent could be hesitant to work with defense social workers. They may have had bad experiences with social workers from other types of agencies in the past, including schools, the foster system, hospitals, or treatment settings, and expect that defense social workers might act in similarly harmful ways.
- When introducing a social worker member of the legal team, the attorney should explain that the social worker is an advocate and member of their legal team, unlike other social workers in their lives. Lawyers should outline the role of the social worker on the case, and why it will be helpful to add this team member, and answer any questions that arise about the role of the social worker on their team. It should ultimately be the decision of the person we represent if they work with a social worker.
 - Even if a client declines to work directly with a defense social worker, the social worker could offer valuable insight and feedback to the attorney behind the scenes as the attorney navigates the case and the attorney/client relationship.

Introducing the Social Worker: Court and Other System Players

It is important to communicate the role of the defense social workers to the Court and other system players, in part to distinguish them from other social workers in the court system. They are not clinicians reporting to the court or a supervising entity. Because social workers often have deep knowledge of community resources and strong rapport with clients, they often lend expertise and credibility to the representations of attorneys in the courtroom.



Sample introduction to social worker (immigration case):

I would like to have **(Name)**, a social worker from my office, come to meet with you, if that is okay with you. **(Name)** works for The Bronx Defenders; they do not work for the court, the (prosecuting agency), or the (jail). I would like **(Name)** to meet with you to:

- 1. Learn more about your life in your country of origin to help the court better understand how your experiences there have impacted you, and/or
- 2. Learn more about your life in the US to help the court understand your strengths and challenges, to get a more complete picture of what your life has been like, and/or
- 3. Talk to you about your plans for if you are released and permitted to stay in the US, including: what support you would like to have, what your life will look like, and ways we can address the court's/immigration's concerns about family and/or criminal court contact in the past or at present (if relevant)

Because **(Name)** works in my office, they will share the information that the two of you discuss with me; likewise I will share background information about your case with them. Everything you say to them will be covered by the same confidentiality and privilege you have with me. After speaking with them, I might ask them to write something for the court if I think it can help your case, which you'll have a chance to see.

Section 4: **Recruiting and Hiring**



INTRODUCTION TO RECRUITING AND HIRING

Public defense is not for most people. And defense social work is not for most social workers. Given this, it is critical to be intentional about recruiting and hiring for a holistic defense practice. While attorneys in public defense typically have a local, state-wide, or national community to look to for support, defense social workers are often isolated from their social work colleagues in the profession. Social work school does not train people to work in an adversarial system, and new defense social workers may find it isolating to be in conflict with others in their profession. This is important to keep in mind as you recruit, hire, and train your social worker and advocate colleagues.

Creating the Role

Determine Qualifications

- Consult sample job descriptions and consider the needs in your community. Consider expanding beyond positions requiring a masters degree in social work or a related field.
 - *"We could provide so much more opportunity for connecting to our communities and provide opportunities for people who haven't been able to get through traditional educational environments," Carrie Burke, Massachusetts*
- There has been a [growing recognition](#) of the importance of hiring people with personal experience navigating the legal systems. Consider creating a role specifically focused on providing peer support, and advocate to reduce barriers to entry into your office for individuals with experience in the system across roles in your organization.
- Consider the values of your organization and the culture you're looking to create. Brainstorm a list of the qualities you're looking for in an ideal candidate to bring into your team.

Sample Job Postings/Descriptions

- Staff Social Worker/Advocate Roles
 - [SW JDs](#)

Recruiting

- Holistic Defense Clinics
 - Fostering relationships with educational institutions in your community can create the next generation of defense social workers and attorneys interested in practicing in a holistic model.
- Social Work Schools
 - Masters in social work programs have become increasingly focused on clinical training for clinical roles. Still, social work schools are an important resource for recruiting social workers to join your team. Consider reaching out to professors and offering to guest lecture to introduce defense social work to the students at your local social work school.
- Community Organizations
 - There are defense social workers and advocates everywhere! You just have to seek them out. Think about the individuals who have supported and advocated for your clients in the community. This is a great place to start recruiting.
 - Be mindful about solely recruiting from social work schools; consider creating relationships with community organizations in order to recruit advocates from the community.
- Public Defender Organizations
 - [NLADA](#), [NAPD](#), and [NACDL](#) post job opportunities for defense social work listservs and share job descriptions with community partners.

Alternative Positions

Social Work Interns

- As part of their education and training, social work students are required to participate in a year-long practicum to learn the skills of social work practice. With proper supervision and support, social work interns can expand the social work capacity of an office. Offices without social workers on site can ask the school to provide an “external supervisor” and provide “task supervision” to the intern on the day-to-day of the work.
 - *“At the time, we framed our program as social work collaboration, and it consisted of two interns and one practicum instructor, who was an MSW-level contract position.” - Kevin Bishop, Colorado*

JD/MSWs

- Offices like [Muskegon MI](#), a Center for Holistic Defense site, started their holistic defense approach by having an attorney who also has an MSW supervise a group of social work interns. Their interns began to work at arraignments, assessing client needs and connecting them to resources. They collected data from this small pilot project and over time, they were able to use the success of the intern program to advocate for full-time social work staff.

Part-Time

- Offices without the funding to hire full time social workers might be able to bring a social worker on part-time. By utilizing that role strategically, offices can collect data to show the impact of social work advocacy on client representation and may be able to use this data to advocate for full-time social work staffing.

Hiring

- [Sample interview questions](#)
- Hiring Committees
 - Ensure a diverse group of individuals in various roles are involved in the resume review and interview processes. Even if you have no social workers on staff, invite other colleagues in non-attorney roles such as an administrative professional, an investigator, or a paralegal to be part of your selection and interview processes.

Section 5: **Training and Development**



INTRODUCTION TO TRAINING AND DEVELOPMENT FOR SOCIAL WORKERS AND ADVOCATES

Social workers do not learn defense social work in social work school. A commitment to training and development of your social work team will be necessary to help to support their successful integration into your office. It is important to consider how you will build community and connection among your teams.

- Introductory training should include training on topics like interdisciplinary collaboration, the path of a legal case, ethics, strategic advocacy, note-taking, client-centered practice (e.g., building rapport, trauma-informed interviewing), advocating with probation and prosecutors, specialty courts, and accessing community resources.
 - **Carrie Burke** stressed the importance of interdisciplinary onboarding: “Part of the initial onboarding process is helping advocates understand [what interdisciplinary collaboration is], what it looks like in public defense, where it comes from and why does it look like it does [as a response to clients]”
 - Because social workers are coming into host settings, they often do not have the depth of knowledge regarding legal aspects. It is important to provide training to arm social workers with a basic understanding of relevant legal principles, including on how to avoid the unauthorized practice of law.
 - Trainers should include all roles in the office to offer interdisciplinary perspectives.
- Organize training resources centrally to help make institutional knowledge and helpful information accessible.
- Some offices may not have social workers sitting in the same physical space as attorneys. In that case it’s important to encourage intentional communication.
 - “You need to be able and prepared for somebody to go out and explain how [attorneys] are supposed to be [working with] social workers. So we [did] those trainings. It was like a roadshow, training offices [so they would] understand how to use social workers.” - **Cara Lane Cape, Kentucky**
 - “In hybrid offices where there is some amount of remote work, be intentional about bringing people together despite remote work conditions”
 - **Kevin Bishop, Colorado**

Interdisciplinary “training teams”

- “You need a strong legal framework and understanding of the system and how it processes people in order to really understand ways a social worker can attack and understand and look at,” - **Kristen Black**, *California*. On interdisciplinary teams, this is a necessity for all team members, and for each role.
 - Just as our clients are never interacting with solely one system, advocates must be equipped with a working knowledge across systems and roles.
 - Look into offering continuing legal and social work education credits.
 - For training and development, look for “bright spots” – social work/advocate/attorney pairs who are “getting it right” and invite them to train. Consider what’s working, and how you can build on that success.

Sample onboarding overview

- [Social Work Intern Onboarding and Training](#)

Supervision

- Social workers and non-attorney advocates should receive structured supervision and support as they take on these new roles. Create opportunities for regular 1:1 supervision, group practice meetings, and peer supervision. [The Management Center](#) has excellent resources for managers and supervisors who are new to providing structured supervision.
- Critical feedback is an important part of fostering professional development. In order for your holistic practice to succeed, you need to be willing to give and open to receiving critical feedback. Be ready to change course responsive to that feedback.

Shout-outs and case conferencing

- Shout-outs in writing or at team meetings can help to highlight the collaborative work among interdisciplinary teams, whether or not that work led to a traditional defense “win,” like an acquittal.
- **Case Conferencing**
 - Communication is a core tenet of holistic defense and case conferencing among interdisciplinary advocates helps encourage seamless collaboration. Ideally, team members can gather, share information and address practical elements of representation, case theory, and mitigation strategy.

Best Practices

- Create a folder with shared case documents (charging documents, discovery, interview notes, records available to all defense team members).
- Draft an agenda for the case conference. An agenda might include:
 - Status of the legal case; last contact with client; status of contact with any family members or other people in our client's life; what we anticipate at the next court date; update from each team member on status of the work; expectations, timelines, and next steps
 - Include all team members in meetings and ensure shared understanding of case theory
 - Explicitly commit to deadlines and division of labor.

Developing a support network

- There is an expanding network of defense social workers and advocates embedded in public defender offices. It is critical to develop a network of other non-attorney advocates advancing a holistic model in PD offices. Some national networks include:
 - [NAPD](#): National Association for Public Defense
 - [NLADA](#): National Legal Aid and Defender Association Community Oriented Defender Network
 - [BPDA](#): Black Public Defender Association
 - [NACDL](#): National Association of Criminal Defense Lawyers
 - [NAPR](#): ABA National Alliance for Parent Representation
- A number of state-wide or regional defense social work networks have developed as offices have expanded their holistic practices.
 - Michigan, Northern California, New York City, Texas, and other jurisdictions have developed regional networks to share resources, build community, offer training and development, and strategize to better serve their clients
 - *"The Texas Defense Social Service Network Group has allowed people to have a podium to voice their concerns, share ideas, and meet with other social service practitioners around Texas. We have also been fortunate to have guest speakers – national social services leaders, practitioners, and experts - to share their experiences and best practices for our group to learn and draw inspiration from. We are building a community through networking. Our group is growing which is exciting and shows how important such a forum is to our defense social service professionals."* - **Gilan Merwanji**, Texas
 - *"The Center greatly supported my community building in a new area of defense work for social workers. We identified all social workers in the five boroughs providing eviction defense in a legal services office and generated an outreach plan to connect with each social worker to have them join a larger group forum. We created the platform to launch this collective, setting a strong foundation for the gathering. Today, the Eviction Defense, Right to Counsel Social Work Gathering has been going for seven months strong!"* - **Rosa Jaffe-Geffner**, New York

Section 6: **Role Evolution**

*A social worker or advocate
has a role to play at every
stage of a case.*



EXAMPLE 1: CRIMINAL DEFENSE

Pre-arraignment/early defense

Social workers and client advocates can play an important role in early representation, or early defense. [Research](#) on early representation programs have found that people who receive representation before their first court appearance spend less time in custody than those who meet their attorney in court at the first appearance, and can help gather the mitigating information the team will need to successfully advocate for release at the arraignment. They can call family members, make referrals to services that might support release efforts, advocate to maintain a shelter placement, and locate children who may have been removed at the time of arrest and advocate for placement with family.

Pre-Trial / Plea Negotiations

During the pre-trial phase, social workers and advocates support incarcerated clients, develop release plans to pitch to judges and prosecutors, refer clients to programs that meet their needs and help advance the legal case, and develop mitigation to support plea negotiations. Social workers and advocates may write mitigation memos, in collaboration with attorneys, to submit to prosecutors to influence an offer.

Trial

Trial is a nerve-wracking experience for everyone involved, most of all the people we represent. Social workers and advocates can play an important role as part of a trial team, preparing and supporting clients through this difficult experience. Social workers may also be involved in expert preparation.

Sentencing

Social workers and advocates prepare sentencing memoranda, in collaboration with attorney colleagues, for judges, probation, and others. Social workers prepare clients for the experience of hearing victim impact statements and support clients as they prepare to serve prison sentences.

Post Conviction

Social workers are a part of post-conviction units around the country, advocating against parole revocation, advocating for resentencing, and supporting record expungement efforts. These efforts often involve lengthy mitigation packets and declarations by the people we represent, highlighting their strengths and resilience.

EXAMPLE 2: FAMILY DEFENSE

Pre-filing/early defense

There has been a growing movement around the country to provide [pre-petition advocacy](#) to parents facing an investigation before a case is filed in court. Social workers and advocates support parents navigating a CPS investigation, provide client-centered referrals to community-based resources, problem-solve issues that arise, advocate for access to support, and attend meetings with the child protective agency where critical decisions about family separation are made.

Reunification advocacy

The early stages of a family court case are critical to making the case for children to remain at home with their parents or to return home as soon as possible after separation. Children who are removed even for [a short period of time](#) can suffer lifelong effects. Social workers and advocates attend meetings with agency workers and parents, problem solve to remove barriers to reunification, gather evidence to use in emergency hearings, and support parents as they struggle with separation from their children.

Trial

In emergency hearings and at trial, parents charged with neglect or abuse often have to testify in order to have any hope of prevailing. Social workers and advocates work with attorneys to prepare parents to tell their stories. Social workers and advocates may also

assist in preparing experts to testify and preparing clients for expert evaluations.

Disposition

Involvement of social workers and advocates can ensure that parents are quickly connected with the therapeutic services and material resources they may need to expedite reunification. Their advocacy can influence a negotiated disposition, or a dispositional hearing, by preparing the evidence of rehabilitation parents often need to show to reunify and finish their family court case.

Permanency Hearings

Every permanency hearing presents an opportunity for parents to fight for expanded visits and reunification. By attending agency meetings and conferences in between court dates, social workers and advocates gather critical information that we need to file motions, expand visits, and reunify.

Termination of Parental Rights

Termed the [civil death penalty](#), a Termination of Parental Rights (TPR) marks the end of a child's relationship with their parents and family of origin. Because social workers and advocates work with clients on cases throughout the pendency of the case, they are able to support parents through the process. Social workers and advocates can help to negotiate with foster agency workers and foster parents as parents consider a surrender of their parental rights.

Section 7: **Expanding a Holistic Practice**



BUILDING CULTURE

Growing a holistic practice must be intentional and follow the needs of clients and the community served. Expanding the holistic team requires creating more space for expertise and dedication to collaborating across lines of difference. Transition is hard. Holistic offices consider all team members to be public defenders who bring value to the team, but this shift can be difficult for offices that have worked in a more traditional model. [Switch: How to Change Things When Change is Hard](#) is a good read on navigating culture change.

Values Alignment: Always Evolving

Advocating for our client's interests is our North Star. However, what this means for any individual client or case is not always so simple. The Bronx Defenders has been on this journey for 25 years, and still continues to grapple with the question of how to translate stated values into communication and practice.

Developing Sustainable Practices

A group of defender leaders, in different roles around the country, worked together with the National Association for Public Defense to develop the [Principles for Creating Sustainability in Public Defense](#). These principles may be helpful as leaders expand their practice and seek to build and sustain holistic teams.

Pilot

Holistic practices can start with short-term, small-scale pilot projects. BxD's [Client Emergency Fund](#) began as a pilot in response to emergency needs that snowballed because our clients were not always able to quickly access support in moments of crisis. The Bronx Defenders [Family Defense Practice](#) began with a small grant to provide concurrent representation to people charged in the criminal legal system when an arrest led to a child protective investigation. That small pilot grew into a practice that represents the thousands of parents charged in family court in the Bronx each year.

Meaningful and Intentional Communication

Seamless communication among team members is a pillar of holistic defense. Practically, this looks like cross-role training to issue spot, so that team members can identify potential issues that can arise at the intersection of one system. This will allow team members to fully advise clients and, when possible, to make referrals to enlist the support of experts outside of their area of practice. In order to achieve this ideal of communication, team members must understand the roles of other team members, know how to access support and make referrals, and recognize the value of other roles in fully advising a client and advocating for their goals.

Navigating Conflict

Because of the high-pressure environments we work in, conflict, particularly on teams with role diversity, is inevitable and should be normalized in interdisciplinary practice. Defender leaders have an important role to play in supporting teams as they navigate conflict. Creating [community agreements](#) can help establish expectations for team members. Advice from social work leaders who have started holistic practices:

- *“Incorporating social work into a law firm is an ongoing project. Expect there to be some conflict – that’s OK; tension is really natural. It should spur conversations to understanding that we both have the same goal in mind.”*

Kevin Bishop, Colorado

- *“Be candid, be direct, approach it from a space of honesty and directness; name breakdowns in communication without taking it too personally.”*

Kristen Black, California

Section 8: **Community Partnerships and Resources**



Holistic defense must be guided by the needs and goals of the people in the community it serves. Given the history of marginalization experienced by many communities served by public defenders, defender leaders should hold community listening sessions to understand the history of the relationship between defenders, social workers, and the community in order to create a foundation of a trusting, honest relationship.

- *“When you come into the community, you’re saying you’re going to do some good stuff, but [the community doesn’t] know if you really are. Particularly in marginalized communities, [there is] plenty of reason not to trust an organization or a person coming from somewhere else. So you have to talk to people and build a rapport with them. The community in Detroit has been unbelievably open to us but... you have to show up and prove that what you’re doing is actually valuable.”*
- **Matthew Cuddebacke**, Michigan

Part of outreach and education should include service providers and other organizations in the community. The first step of that is creating an asset map, to understand what resources currently exist within your community (interns can be an invaluable resource for this work!).

- *“When we started, I jumped in doing a lot of outreach and presentations, [contacting] agencies like hospitals, the Board of Education, different legal organizations we know [nearby] that may have similar clients. Throughout our time, as our referrals started increasing, a part of our introduction is to explain who we are and what we do. We also have fliers everywhere – in libraries, barber shops and salons, the YMCA/YWCA and shelters.”* - **Tornishia Destin**, New York

The map of existing resources represents a potential program referrals and service provider allies, as well as provides partners in the structural work of coalition building. This coalition-building may involve reaching beyond who we typically understand as allies. Offering an introduction to holistic defense and the model you’re developing can be an important first step in countering the harmful narratives about the people we represent.

These partners are invaluable when mitigating the harm of the legal systems and when advocating for more resources to serve clients.

- *“There was a vast infrastructure of barriers so far beyond our resources [in Tulsa]. [I think it means] getting in the room with people who are beyond the defenders – city planning, health infrastructure, and explaining the barriers in concrete ways, organizing and advocating on a higher level.”* - **Kristen Black**, Oklahoma, California

Kristen Black described her experience introducing interdisciplinary defense in Tulsa, OK:

“It was important to introduce who we were as an office, the kinds of work we did. We used those relationships to build out internal resources, map where service providers were, what they provided, and the best way for our clients to access those resources.”

CREDITS

Kayla Bennett,

Mitigation Specialist at Office of Capital and Forensic Writs

Kevin Bishop,

Social Worker Coordinator at The Office of the Alternate Defense Counsel, Ralph L. Carr Colorado Judicial Center in Denver, CO

Kristen Black,

Holistic Defense Mitigation Specialist III, Alameda County Public Defender's Office in Oakland, CA

Jill Bucaro,

Manager of Holistic Defense Services, The Law Office of the Public Defender, Dayton, OH

Carrie Burke,

Director of Social Service Advocacy, Committee for Public Counsel Services Public Defender Division

Cara Cape,

Executive Staff Advisor, Office of Public Advocate, Kentucky

Matthew Cuddeback,

Supervising Social Worker, Neighborhood Defender Service, Detroit, MI

Tornishia Destin,

Supervising Social Worker, Family Defense Unit, Legal Services of the Hudson Valley, Westchester, NY

Rosa Jaffe-Geffner,

Director of Social Work, Civil Action Practice, The Bronx Defenders, Bronx NY

Sarah Knight,

Director, Criminal Defense Practice Social Work, The Bronx Defenders, Bronx, NY

Annie Legomsky,

Holistic Defense Services Leader, Missouri State Public Defender, MO

Meghan Leschak

Investigator, Capital Habeas Unit the Federal Practice Defender, Los Angeles, CA

James McDermott,

Chief Defender, Far West Texas Regional Public Defender

Gilan Merwanji,

Director of Holistic Defense & Social Work Supervisor, Harris County Office of Managed Assigned Counsel

Claire Metzgar,

Social Work Coordinator, Calhoun County Public Defender

Harpreet Samra,

Supervising Social Worker, Private Defender Program, San Mateo, CA

Breanna Sheehan

Bronx Defenders

Jonah Siegel,

Research Director, Michigan Indigent Defense Commission

Caitlin Becker,

Santa Cruz County Office of the Public Defender

Lauren Harris,

The Bronx Defenders

Robyn Mar,

The Bronx Defenders

Henry Lopez III,

Skadden, Arps, Slate, Meagher & Flom