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Transformative Social Work in the Criminal Justice Field

SUSAN NOAKES*

THE DISCUSSION IN THIS PAPER of what is referred to as “transformative social work in the criminal justice field” is based on the observations and case experiences of the registered social worker on staff at the Holistic Lawyering Project at The Law Centre. This clinical legal education program is located in downtown Victoria, British Columbia through the Faculty of Law at the University of Victoria. The staff includes three lawyers, a registered social worker, an administrator and fourteen law students, and a practicum social work student for each of the three terms per calendar year.

The law students in the clinic, under the supervision of the staff lawyers, provide representation to clients who are financially eligible in areas such as summary conviction offences, small claims, welfare, tenancy, some family matters, and debt. Social work services include short-term counselling, referrals, assessment, crisis intervention, and general advocacy. The social worker essentially assists clients with the non-legal issues that underlie their various legal matters.

The role of the social worker is not limited to one area of law. However, in this paper, I examine the role of the social worker in working with the law student and a client charged with a summary conviction offence under the Canadian *Criminal Code*. I examine this particular aspect of the role for two reasons: first, it provides an example of transformative change and, second, it is this aspect of my practice that I find most challenging, as well as empowering.

As noted above, this analysis is based on my experiences and observations as a social worker. It is also based on the observations and comments made by clients, law students, and staff over the 2008 to 2010 period documented in an independent evaluation report.¹ For Reid and Malcolmson, the Holistic Lawyering Project (‘the project’) “stands out” in that the project “goes beyond the vision into practice.”² In their view, such a project “reveals what does in fact happen when legal and social work services are jointly available onsite ... and where there is the capacity to address the legal problem within the context of the larger social issues.”³

Through a discussion of how clients are referred to the social worker in The Law Centre, specific case scenarios, and reflections from the evaluation report, Reid & Malcolmson demonstrate how the client and the law student are ‘transformed.’ Before

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¹ The report was prepared by Gayla Reid and John Malcolmson, who were retained by The Law Centre to review this project.

² Gayla Reid & John Malcolmson, *Holistic Lawyering Project University of Victoria Faculty of Law Clinical Law Program Final Report* (2010) [unpublished, archived at University of Victoria Faculty of Law] at 4.

³ *Ibid.*

proceeding with a discussion of this ‘transformative’ process, a discussion of how both professions can work together is warranted.

I. INTERSECTION OF ROLES

The social work professional can work as a member of a team in venues that have not been typically associated with traditional social work areas (i.e., child protection) including medical, educational, and legal settings. A collaborative law model, which includes a social worker as a team member, is used in family law. Moreover, the vision of holistic services to enable low-income people to address their legal issues is a concept that is promoted in British Columbia.⁴

When two professionals, such as social workers and lawyers (and law students), collaborate, a distinct opportunity is presented to enable the client to benefit from the skills and knowledge of both. It is also an occasion where two professionals, strategizing and working together to address the problems presented by the client, can discover and appreciate the varied aspects of their respective professions. While there are similarities in the professions, such as listening to the client, advocating for the client, maintaining ethical practice, and securing the best outcome for the client, each of the professions has its own unique approaches.

For example, the lawyer, having provided advice to the client, must act on the client’s instructions; that is, upon what the client regards as the best outcome. By contrast, the social worker may consider personal change and growth for the client as the best outcome. While these two variables are not necessarily a lawyer’s priorities, such change and growth often provide vital evidence to help a lawyer advocate effectively for the client’s desired outcome. Essentially, the role of the lawyer (law student) is to represent the client while it might be said that the social worker’s role is to “re-present” the client.

II. BEGINNING OF THE PROCESS

During the first two weeks at The Law Centre, I provide a brief overview and discussion of the holistic (multi-disciplinary) approach to resolving a client’s problem. I explain how the roles of social worker and law student intersect, provide examples of multi-disciplinary settings, and, more importantly, how the social worker can work in conjunction with the law student for the client’s benefit. In my initial discussion with law students, I use as an example a case in which the client is charged with a summary conviction offence. I highlight a similar connection between the two professions – the importance of the role of advocacy.

Advocacy for the client, be it by the law student or social worker, is to offer options for the client and, of course, to allow the client to decide his own course and provide instructions. The social worker recognizes the desire of the law student to provide the best representation for her client. To do so, this approach might entail the social worker offering/assisting the client to change his behaviour, demonstrating that the

⁴ *Ibid.*

client is taking an active role in directing himself away from the behaviour that may have led to the charge(s). Examples of these changes are discussed later in this paper.

III. MEETING WITH A CLIENT – CONNECTING THROUGH THE LAW STUDENT

There are several means by which The Law Centre client may be referred to the social worker. Clients are initially seen at The Law Centre by appointment. The client completes a brief application form. On that form, the client very briefly sets out his problem. The application is then reviewed by The Law Centre administrator., who may alert the intake interviewer (law student) and/or the social worker that social work involvement may assist the client. A second way the client can come to the attention of the social worker relates to how the file can be opened. After the initial interview, the law student prepares a summary of the interview. The social worker, like the staff lawyer, reviews the summaries before a file is opened. The social worker may note on the file that “social work involvement” is to be followed up by the law student assigned to the file.

In dealing with the client charged with a summary conviction offence, there are no specified rules that are set out for when the law student should refer the client to the social worker. During the first week of the training, before entering the clinic, the social worker explains her role and reviews several scenarios in which a client could be referred. There is no agenda or predetermined list for when a social work referral is made. While the scenarios are again presented by the social worker in another lecture format session when the law students are in the clinic, there are no predetermined circumstances in which a law student would refer a client. However, if the client were in a crisis (threatening suicide, needing shelter and/or welfare benefits), the law student would most likely refer a client to the social worker.

When the situation is more subtle, such as when the law student wants the client to consider addressing his underlying behaviours, whether or not the law student refers a client may be based on a number of factors. Some of these reasons relate to the stage of the legal process. For example, if the law student is not certain that there is a defence to the charge, she might consider if a referral to a social worker is warranted at that particular juncture in the legal proceeding.

A referral by the law student may also depend on the law student’s comfort level, stage of learning, and experience in working with clients. The law student may not have had the opportunity to build confidence or gain experience in how to present the social work service. For instance, the law student may be hesitant to suggest social worker assistance for fear of offending the client and possibly adversely affecting any future working relationship. It may be the student’s first experience in asking personal questions that might present as invasive to the client.

In other circumstances, the law student may view the situation as straightforward and not requiring the social worker. The law student may think that he can provide the client with the ideas for change. Introducing a second party, such as a social worker, may be viewed as complicating the relationship.

Additionally, the law student may not refer the client to the social worker because the law student might be struggling to understand the legal aspects of the file. Regardless

of the supports and training provided, the student may be overwhelmed and struggle initially to assess circumstances beyond the legal issues of the file. He may not be able to perceive at this stage in his legal training how another professional could be involved in the legal (criminal) process to the client's benefit.

The law student may initially be "stuck" with a preconceived perspective as to how a law firm should practice. A holistic practice approach might conflict with a perspective that reflects a clear division between the law firm and social work practice. A law student may be inclined to take a narrow, strictly legal view, focusing solely on such matters as to whether there is a defence and whether to advise a client to enter a guilty plea.

Shifting the law student's view about what a holistic practice could look like may occur as a result of one-on-one discussions by way of file reviews and ongoing instruction and supervision in the clinic. On the other hand, the benefit of social worker involvement may be immediately clear. For instance, the law student may encounter a client in the interview who may be emotionally upset about the offences she has been charged with or the 'fall out' from the charges. A social worker's assistance in dealing with the client's emotions may be readily welcomed by the law student and the client.

Alternatively, the client's personal circumstances, which may or may not be related to the criminal charges, may lead the law student to seek additional support or assistance for the client. For example, the client may be hungry and homeless and would benefit, for example, from assistance in obtaining specific food and shelter resources.

The pressure of having to start negotiations with the Crown Counsel may also motivate the law student to begin discussions with the client about how the client may want to present his case to the Crown and, more particularly, how the client has addressed underlying factors, if any, that led to the alleged offence. The law student may now feel very motivated to broach with the client the possibility and potential benefits of social worker involvement.

IV. HOW THE SOCIAL WORKER MEETS THE CLIENT

After an initial intake interview with the client, the law student will set an appointment with the client charged with a summary conviction offence for a second interview. At that interview, the law student will obtain from the client his version of what occurred at the time of the alleged offence. The student will also obtain information about the client's background.

There are a number of options about when the social worker may be introduced to the client. The law student and social worker may decide that the social worker should be introduced at the beginning of, or during, the interview. Alternatively, the law student and social worker might agree to have the social worker introduced at the end of the interview on the premise that there would have been a discussion about social worker assistance.

When joining the interview, the social worker will introduce herself to the client. She will explain how the social worker role is strictly within the law firm and that any working relationship with the client falls under the same solicitor-client privilege as the law student's. Because the title of social worker is often associated with either a child protection role or used as a substitute title for "welfare worker" there is a risk that the

client may have had a bad experience with either or both of those roles. Thus, the social worker will address any possible confusion and reassure the client again of the solicitor-client privilege.

V. AN APPOINTMENT WITH THE SOCIAL WORKER

The social worker will make an appointment with the client for a later time to allow the client more time to talk about his situation. During that appointment, the social worker will explain in more detail the social work role in the clinical legal setting. The social worker will explain how she views the role of the social worker as part of the team to provide advocacy for the client. In that role, it is her duty as a member of the team to contribute to providing the best advocacy for the client. The social worker will offer suggestions and guidance as to how the client can demonstrate that he has addressed the underlying causes of the offence. The social worker might expand on this idea in the following way: the law student will represent the client in court but the social worker's role is to work with the client (and the law student) to "re-present" the client to the court.

The social worker essentially advises the client about the possibility of change for the client and looks at this opportunity to assist the client with such a process – a transformative process. In the appropriate circumstances, the social worker might tell the client he is 'at a fork in the road' and remind the client that it is an opportunity to possibly take a different path. The social worker will listen to the client and assess his needs.

Asking the client about how to approach the situation is a starting point. This might be done by asking the client what he sees as a necessity in life (e.g. what he wants assistance with, what he regards as a life issue). For example, the client may be challenged by poverty-related issues (welfare, housing, medical) and wish to address these first. The social worker can provide guidance and/or direct assistance with government agencies, and the related application systems. This assistance may include advocacy, as well as completing application forms. After speaking to the poverty-related issues, the client may eventually become interested in, and have the necessary focus to address personal issues (drug and alcohol dependency, mental health) through one-to-one counselling and/or group work.

At most times, when the client is provided the opportunity to talk and be heard, the client will speak to areas of her life where she is struggling and discuss areas that pose a challenge. It is in the role of listener, counsellor, and assessor that the social worker can then reflect back to the client what she is saying. The client might talk about a problem with alcohol and/or other substances, as well as previous physical or sexual abuse.

As members of the same law firm, the social worker and the law student will share information as it will most likely benefit the client. The information can help the social worker to assess and guide how the client may be able to address any underlying behaviours. The law student, moreover, may be able to use information in presentation for a disposition. Ideally, the law student would want to present to the court some context for the client's behaviour, as well as to report on how the client has progressed.

How "re-presentation" is approached may depend on the criminal charge. For example, if a client is charged with impaired driving, the social worker might advise and

arrange for alcohol counselling. For charges such as assault, causing mischief, or uttering threats, an anger management program and one-to-one counselling may be presented. When dealing with the client, it is necessary to deal with any obstacles that may impede the client in participating in certain programs. The social worker will explore why and how enrolment in previous resources did not ‘fit’ the client’s needs. The discussion with the client may also include a review of the previous resources with which the client has had contact.

After exploring the impediments, the social worker may provide some suggestions as to the type of resources that would ‘fit’ with the client at this time. She may suggest returning to previous resources and reconsidering them since the client may be at a different stage or requiring the resource for a different purpose at this time.

The social worker will emphasize that whatever positive steps the client may choose to help himself change is a positive step and will provide the law student representing the client with ammunition to use in discussions with the Crown Counsel or representations to the court. This concept, that making positive strides in the client’s life is helpful, is stressed to both the client and the law student. The client’s steps toward change, however small, are the beginning of a transformative process.

After determining with the client what programs would be beneficial, the social worker will assess how to proceed; whether to have the client make the first call to the chosen resource or whether the social worker provides support by making that call. The client may not want to commit to making that call or may be fearful of initiating the first step. The social worker could offer to make the call but with the client present during that process. The client may be relieved to have someone else make that call. The social worker could also offer to call the client before or after the appointment with the new resource in order to provide encouragement and support. By offering to call after the appointment (“checking in”), the social worker can also determine if the suggested resource was a “fit.” If not, this moment would be an opportunity to examine what aspects did not meet the client’s expectations and assess accordingly a better fit.

If another resource is warranted, then the same process regarding contacting an agency can occur. Again, the social worker could follow up to see how the client is doing, or the social worker could “check in” when the client meets with the law student during a subsequent interview. Ideally, the client would have gone to the suggested resource(s), thus starting to make the necessary steps to transformation.

VI. CASE EXAMPLES

The following cases provide specific examples of how the social worker can be supportive and advocate for the client. These examples also demonstrate how the process of transformation occurs for the client – as well as the law student.

A. CASE ONE

A client charged with assault against his common-law spouse met with the law student for a second interview. The client was agitated and somewhat timid. The law student had difficulty trying to focus the interview on the needs and goals of the client and, specifically, on the defence of the case. The client disclosed to the student that although

he had assaulted his spouse, on previous occasions she had struck him; on those occasions, he never called the police. He described their relationship as volatile and, although he acknowledged that as part of the conditions of his release he was to remain out of the home (due to the 'no contact' order), he nevertheless wanted to return home because he was fearful that his common-law spouse might do harm to herself.

During this interview, the law student was concerned that her client would breach his bail conditions, as well as risk his safety. She excused herself from the interview to consult with the social worker. The assessment of the social worker was that since the law student felt that the client trusted her, the law student would ask the client if the social worker could join the interview. After the law student consulted with the client and he agreed, the social worker introduced herself. She then summarized for the client what she understood to be the client's situation.

This summary provided an opportunity for the client to know what the law student and social worker understood the client's problems to be and afforded the opportunity for the client to clarify any points that may have been missed. The social worker acknowledged to the client that she understood that he was concerned for his partner, that he was the person charged, that he had disclosed that his partner had assaulted him in the past, and that he was not allowed contact with her at this time. The social worker confirmed the client's feelings of isolation due to the loss of contact with family. She suggested that the client might benefit from ongoing support at this time while living out of the family home.

The social worker suggested that the client might appreciate an opportunity to talk about his spousal relationship. However, he was hesitant to accept that counselling may help. The social worker identified the benefits of counselling as a starting point. She told the client that he could talk about his relationship, family, and his own issues and problems; it would be a chance to focus on himself. The law student explained that she would be presenting his situation to Crown Counsel and wanted to demonstrate that he recognized a need to change his behaviour toward his spouse. The social worker suggested considering the situation as a 'forced opportunity' to address aspects of his relationship he had not previously examined.

Recognizing that the first step in calling the counselling agency might be a difficult one, the social worker made the initial call in the presence of the client. Having determined that the client might need encouragement after the interview and the first phone call, the social worker advised she would follow up with the client to encourage him to attend the appointment. She would also call the client after the scheduled appointment to assess the 'fit' of this resource with the client's needs. The client was relieved to have had the social worker make that initial call.

The interview ended with the social worker and the client developing a strategy for follow-up. The client appeared to be reassured by the social worker's offer of support. However, he was apprehensive about what the next steps of his journey might entail regarding seeing a counsellor. The social worker attempted to remove the sense of stigma of seeing a counsellor (being regarded as "crazy" with the possibility of being referred to a psychiatric institution). In spite of the client's apprehension, he appeared to be relieved to have the opportunity to speak to his own situation, and felt that he was being heard and would be supported.

The law student also told the client she would be there to support him by advocating for him to Crown Counsel. The client might not have received support in the past and might have felt uplifted by having professionals support him during this period of his life, where he previously perceived the 'system' as against him. The client was noticeably less stressed and presented as less agitated than he had been at the beginning of the interview with the law student.

With decreased anxiety and positive steps being taken by the client, the law student felt that the client was on the path to make a positive change in his life. She also discovered that a client could make changes even at a point when his situation may seem overwhelming to him. With the client embarking on positive steps, the law student told the social worker that she felt inspired by the client's shift to accept help and move toward making change. The law student also shared that she was more motivated to represent the client and advocate with Crown Counsel and the Court on his behalf. The client followed up with counselling and the law student was able to use this fact to negotiate an agreement with Crown Counsel to have the assault charge dropped, and for the matter to be resolved by the way of a peace bond.⁵

B. CASE TWO

The case I discuss below is one in which, after the law student reviewed the Report to Crown Counsel with a supervising lawyer, it was decided that there was no strong legal defence. It was then that the law student decided to refer the client to the social worker. The goal was to obtain help for a disposition that might occur either after a guilty plea or a finding of guilt at trial.

There are several approaches that the social worker might take to make contact with the client. One approach may be a phone call to the client after the law student has made a brief introduction about social worker services. Another approach may be on a speakerphone in the presence of the law student to reassure the client that both are members of the team and are governed by a duty of confidentiality. If contact by phone is challenging, the social worker will attempt contact by a letter or an email to arrange an appointment. The appointment could take place in the law firm or by phone. Considering the distance between where the client lives and the law office, requesting a client with a low-income to come into town may be expensive and unnecessary if the appointment could be completed by phone.

In this case, the social worker called the client. The client was charged with driving over .08. The client was alleged to have an alcohol reading three times the legal limit. Encouraging the client to seek alcohol counselling seemed to be a logical step. Recognizing that the steps to address substance abuse are at the choice of the client, the social worker explained her role in providing information about alcohol counselling and a supportive role she could offer.

The client seemed receptive to the social worker providing follow up encouragement and a letter containing information about resources that could help her. An arrangement was made that the social worker would also follow up by phone at a later

⁵ A peace bond is granted under section 810 of the Criminal Code of Canada. The person is not found guilty, does not have a criminal record, and is to have no contact with the other party. *Criminal Code*, RSC 1985, c C-46 s810.

date. The follow up was characterized not as a way of “checking up,” but just to “check in” to see how the client was doing and as an opportunity to review any of the resources that the client may have felt did not fit with her life. The follow up discussion would also be for the purpose of listening to the client to provide unconditional support.

The client fortunately recognized how alcohol was negatively affecting her life physically and, in this instance, legally. The client completed a detoxification program and thereafter attended AA meetings. At the time of sentencing, the judge was impressed with the client and commented on the client’s significant progress. Notwithstanding the high alcohol reading, the judge sentenced the client to the minimum fine.

The “win” for the client was also a win for the law student in that it demonstrated the possibility of client transformation before appearing in court. The judge acknowledged the client’s transformation and praised the client. The law student was proud to share with his fellow law students not only how he witnessed a significant change in his client, but the praise and acknowledgement received from the judge.

C. CASE THREE

The law student may feel overwhelmed by the severity of a client’s situation and immediately seek assistance from the social worker. For example, a woman who had three charges of theft under \$5000.00 disclosed to the law student that she was using banned substances and had experienced childhood sexual abuse and neglect. The law student advised her that the clinic had a social worker on staff and referred her. The social worker contacted the client by phone and met with the client for many appointments over the year while the case was before the court. During this time, she received ongoing support from the social worker for short-term counselling and was provided with an “open door” for support for the anxiety related to the court process and other related issues as they arose.

Having met with this client over the course of a year, the social worker began to witness an overall change in outlook, attitude, and loss of the identity of a victim. The social worker assessed that the client would benefit from attending a group program or one-to-one sessions at the local women’s sexual assault resource centre. The client slowly began to address the substance abuse through addictions counselling. As well, she began to reflect upon the challenges in her family regarding boundaries and to look to possible legal action and compensation against the abusers. Through the sessions, the social worker explained to the client that, as a member of the clinic, she could share the information with the law student for possible presentation to court but added that the information, before being presented to the court, would be reviewed with her.

At the time of sentencing, the law student advised the court that her client had taken the necessary steps to seek help for her trauma and the addictions, thus starting to address some of the underlying issues that led to the theft under charges. The client, law student, and social worker were pleased with the suspended sentences and the overriding goal of the client continuing on her healing journey.

One aspect of the transformative model is to ensure continuous involvement by all three parties: the client, social worker, and law student. The law student assigned to this case was kept apprised of the steps the client was taking to address the underlying issues throughout.

D. CASE FOUR

A law student might ask the social worker for the name of a resource – “a quick fix.” He might consider it logical that if a client has “Charge X” then “Resource X” will serve as a “fix”. In some cases, even if there is a resource that is a logical fit, it is helpful for the social worker to assess if in fact it is a “fit” and to provide ongoing support due to issues assessed that may inhibit change.

An example of this type of referral involved a client who was charged with two counts of assault. A referral to an anger management program was a logical step to demonstrate to the court that the client was attempting to change his behaviour. The social worker met with the client and suggested attending an anger management program. The client, eager to change his behaviour and seek a resolution to the charge, enrolled in the program.

The social worker maintained contact with the client. Before and after the anger management sessions, the social worker met with the client, discussed components of what he was learning, and how it applied to his situation. The social worker, moreover, discussed how the relationships with his family, his girlfriend, and co-workers may have changed. The client revealed how in the past, he had allowed other individuals to provoke him. He described how this taunting triggered his own reactions as the beginning stages of anger. After having completed the anger management program, the client met with the social worker and law student. The client described the “emotional shifts” he had experienced as a result of the program and support meetings with the social worker. In non-clinical terms, the client could be said to be “glowing.” He was proud to have identified the “triggers” to his reactions of anger. The social worker witnessed what could be described of a transformation of the law student as well. He disclosed privately that he was immensely impressed with how the client had changed. Moreover, the law student was able to translate the client’s change into a request to Crown Counsel to proceed by way of a peace bond to which it was agreed.

VII. ELABORATION OF POINTS DEMONSTRATED BY THE CASE EXAMPLES

The cases presented above illustrate how a client at The Law Centre might be referred to the social worker and the types of services provided. Often the social worker has to be creative to provide opportunities for clients to be “re-presented” to the court.

The search to secure a resource that the client can afford, which often means to search for free resources, can be part of the transformative process. The social worker will obtain background information from the client needed to secure a proper resource. The line of questions can include history, place of residence, connections to the community, and previous resources that did not work for the client and reasons why. With this information, the social worker can take the time, which the law student would not have, to secure a resource placement for the client.

A. REJECTION OF SERVICES – REJECTION OF TRANSFORMATION?

The services of the social worker, when offered to the client, may be declined for several reasons. The client may believe that he has a defence to the charge. If he sees himself as “innocent,” the client may ask himself, “Why would there be any point in making a change?”

Another reason for rejecting help to change is that the client may be experiencing shock and fear as a result of the charge, and might not wish to think about the situation. Avoiding the situation can be manifested by the client not contacting the office, or not returning phone calls to the law student or social worker.⁶

For some clients, the role of the social worker may conjure negative associations. Social workers are often associated with child protection and welfare matters in which a social worker has represented the state. The client may be suspicious of the role of the social worker due to previous contact as an adult or child, as well as the perceived image of the social worker’s representation of the system.

The client may also just not want to address the underlying issue. A client who has an alcohol addiction and has been charged with impaired driving may just not want or be able to stop drinking. Moreover, if the client has been charged with assault, he may not wish to explore his anger management. The client may reject social work services because of fear and the unexpected results of looking at aspects of his life that he does not want to examine. Moving to this point is perhaps where the transformation can be said to begin.

The role of the social worker is to assess the client’s willingness and most likely fear of seeking resources. Part of the initial assessment is to comment on the courage to explore and ask about possible options available. The client is applauded for taking the direction of taking a different path – making a change not only to best re-represent himself to the court, but to make change that will be positive after leaving court.

Fundamental in overcoming a reluctance to participate in a process of charge is an appeal to some form of client self-interest. For example, an ‘initial pitch’ might focus on the possibility of a reduced sentence if the client can demonstrate to the court actions that have resulted in a change of behaviour that led to the charge. Depending on the criminal charge, other appeals might be to improve health and connections with family and/or the community. While there are possible obstacles in this transformative process, there are also many stories and accounts of change within the clinic. These are not only shared by the clients, but witnessed by the law students, and are documented in the evaluation report of the Holistic Lawyering Project.⁷

VIII. FINDINGS FROM THE EVALUATION

The previous discussion of what is referred to as the transformative process is based on the observations and case experience of the social worker working in the Holistic

⁶ Understandably, the client may have competing factors in his life that may impact any opportunities to seek change. These factors can include needing secure housing and obtaining social assistance. The social worker will offer assistance with those areas as well.

⁷ *Ibid.*

Lawyering Project. The evaluation report, completed over a two-year period from 2008 to 2010 by Gayla Reid and John Malcolmson, who interviewed clients, law students, and staff at The Law Centre, also influenced this discussion. The accounts provided in the evaluation address the overall transformative experiences of the client and law student within the clinic, as well as offer specific experiences related to the area of criminal defence.

The beginning of the law student's transformation perhaps starts with his or her understanding the value of this holistic service. Reid & Malcolmson, in discussing the students' experiences in this holistic setting, noted that "the acquisition of a broader social understanding was a significant experience, one that worked to transform their outlook on the role of law within society."⁸ The evaluators moreover commented that the law students would "come to understand the significant limitations of a formal legal approach that does not take into account the social issues facing clients."⁹ A law student recognized that an objective of the program is to assist clients with non-legal issues in order to provide a "direct benefit in efforts to deal with clients' specific legal issues."¹⁰ They noted that law students developed an understanding of the "value of the holistic service provision."¹¹

In regard to their future careers, for some law students, the experience transformed them. They reflected on "their own growing awareness of limitations inherent in the traditional practice of law based on experience gained with clients at the Law Centre."¹² Some law students experienced what Reid and Malcolmson referred to as "an explicit crossover of insights drawn from this experience to the practice of law in other areas."¹³ The holistic model essentially "changed their own thinking about the way law needs to be practiced."¹⁴

For the law students, it was the realization that the issue(s) facing the clients are not restricted to the legal issues and that social worker involvement can assist with the process. One student said that:

It is more realistic to ask, what does this person need to move forward? That makes it more satisfying to practice law - you want to be able to do something meaningful, and having the social worker piece here enables me to articulate what that would involve.¹⁵

Another law student concluded that it is about looking at the legal situation "in a broader way."¹⁶ A law student, in describing the value of the social work role, stated, "Often, the client is 'ready' to make change in their life and the role of the social worker is to assist as 'change agent'."¹⁷ The law students interviewed concluded that as a result

⁸ *Ibid* at 21.

⁹ *Ibid* at 20.

¹⁰ *Ibid* at 5.

¹¹ *Ibid* at 20.

¹² *Ibid* at 21.

¹³ *Ibid*.

¹⁴ *Ibid*.

¹⁵ *Ibid* at 24.

¹⁶ *Ibid*.

¹⁷ *Ibid* at 29.

of the social worker involvement “clients’ prospects for dealing with their legal challenges and issues were improved.”¹⁸ One law student cited sentencing as an example of this ‘improvement.’ The evaluators explained that students also “frequently referred to the fact that their clients had better outcomes at sentencing due to the fact that clients had, as a result of the Law Centre’s holistic approach, taken concrete steps to address the underlying issues that had led to the charge.”¹⁹

The transformation of the client is also addressed in the evaluation report. They point to one particular case where the client was charged with assault. The social worker, in meeting with the client, assessed that he had an addictions problem. He had also disclosed his family history of abuse. The social worker led him to addictions counselling as well as an anger management course. The law student reflected that the client was pleased with the opportunity for transformation. He said the client stated that, “the best thing he ever did was this latest assault because it got him into the help he needed.”²⁰

In another case (charge not known), the law student witnessed the transformation of the client leading to, and at, the disposition. The law student explained,

At sentencing we were able to say that he’d been in the alcohol program for two months and [the social worker] is working closely with him. The judge was impressed that he was seeing a social worker. It helped the outcome. We made the point that the legal issues were not the real problem in his life.²¹

In an example where a client was charged with assault, the law student again witnessed a transformation up to the disposition. The law student explained that the client disclosed that he had experienced abuse from his parents and had never been able to talk about it. The social worker talked to the client about counselling options to address the anger possibly stemming from being a victim of childhood abuse and, hence, to address the emotional issues surrounding the assault. The law student noted that client went into counselling and was able to use this information at the disposition – “it helped in my arguments with the Crown.”²²

IX. CONCLUSION

While there are challenges, the opportunity for transformation for both the client and law student is available in this clinical legal education setting. The law student not only witnesses a transformation of the client, but may experience his own transformation as to how the legal profession can be viewed in a broader way – with a holistic approach. The client can also demonstrate change not only for the purpose of providing a ‘better case’ to the Crown and the judge, but also for a chance to heal and to take that ‘other fork’ in the road with support and guidance. Both parties—the client and law student—can learn and change.

¹⁸ *Ibid* at 25.

¹⁹ *Ibid*.

²⁰ *Ibid* at 26.

²¹ *Ibid*.

²² *Ibid*.