

# How Oklahoma Interdisciplinary Defense Teams Work Together & Ethics

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OFR

“OFR Clients will get not just compassion from OFR, but action.”

## Oklahoma’s Interdisciplinary Teams:

Oklahoma’s **Interdisciplinary** Teams are made up of a combination of the following persons:

Attorney  
Master Social Worker  
Parent/Youth Mentor

\*All Team members are independent contractors.

\*\*The Team operates under the attorney’s confidentiality and privilege as non-lawyer assistants. *OK Rules of Prof. Conduct Rule 5.3*

# How Oklahoma Interdisciplinary Teams work together to defend parents and children

**Gathering information** – the social worker and parent mentor gather facts via out-of-court advocacy, while also supporting the client emotionally and mentally.

**Communicating** – the social worker and mentor communicate with the attorney to ensure the attorney is well informed of case related issues prior to court.

**Advocating** – the attorney zealously advocates in court for the client; the social worker and mentor strongly advocates for the client out of court at DHS meetings and Service provider meetings.

**Sharing - Personal experience** – the mentor brings their own lived experience to the client's situation which develops a *trusting relationship* with the client and the Defense Team.

# Oklahoma Interdisciplinary Teams

## Focus on the 5 cornerstones of advocacy:

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### 5 Cornerstones:

1. **Placement:** should be *meaningful* and support a child's connection to their family; the people and community the child is bonded to; familial placements keep parents engaged and supports reunification.
2. **Services:** should address **parent and child** strengths and needs, should be *meaningful*, manageable and move the family towards reunification.
3. **Conferences:** provide opportunities for parents and their Interdisciplinary Team to *meaningfully* participate in case planning.
4. **Visitation/Family Time:** should be frequent and lengthy; in settings that mimic the family's life and their unique cultural beliefs and activities; *meaningful* visitation is the single best predictor of safe and lasting reunification.
5. **Coaching:** teaches parents and youth to advocate for themselves; to use their voice and to speak up for themselves in *meaningful* and respectful ways.



# OFR

## The Defense Team Social Worker provides:

### Assessment

- Assess needs and goals, psychosocial status, current client functioning, intellectual capacity, parenting skills/limitations and need for further evaluations

### Education

- Educate clients on who the participants are in a case, how the court and system process works, communicate the client's responsibilities and expectations, DHS responsibilities and educate on Treatment needs

### Support

- Support the client by attending family team meetings, accompany to important appointments, crisis intervention, identify obstacles and remove barriers

### Information

- Research and share resources, keep client up to date on the court process, assist client with effective communication with their Attorney, DHS, and can guide mentors in their role with the client

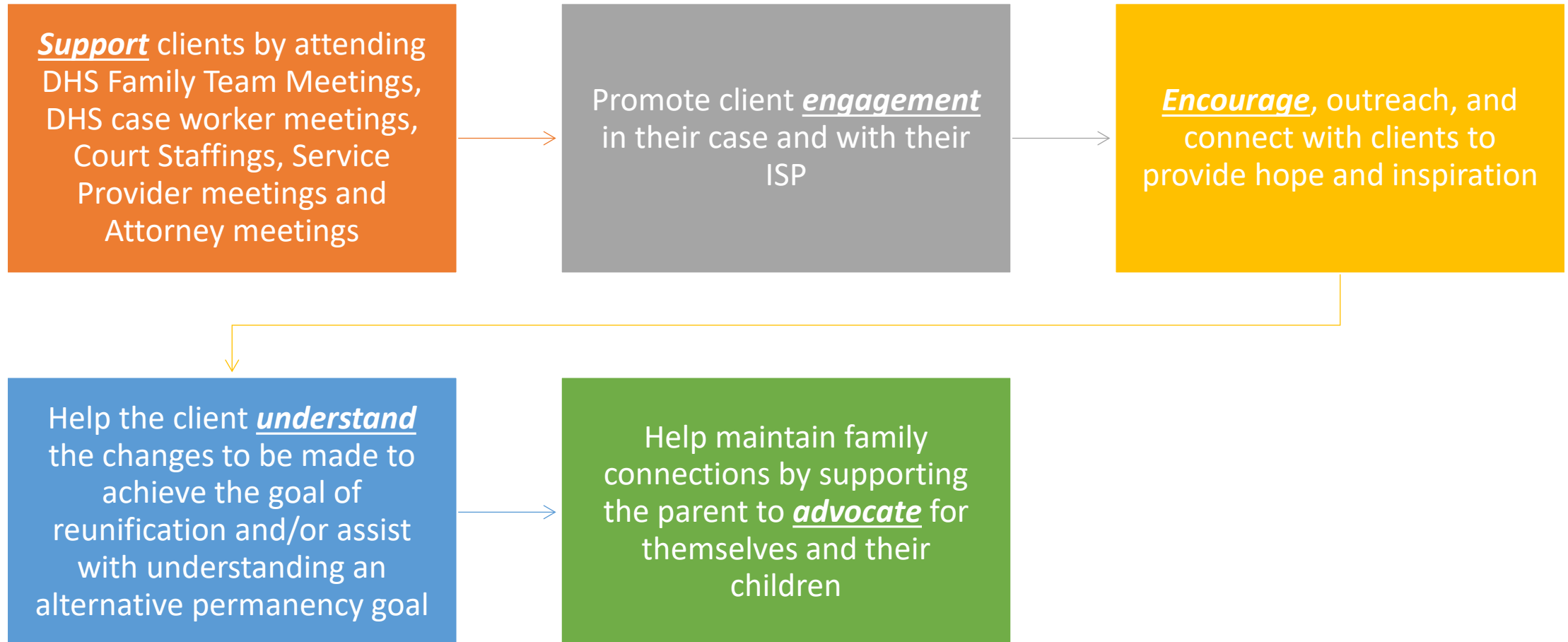
### Coaching

- Coach clients to use their voice effectively, advocate for frequent and increased visitation, assist with return home safety planning, advocate for parent client participation in voicing child's needs and child's services

### Engaging

- Increase client's engagement in their case, explore family supports and kinship placements, identify ways to move the case forward, and recommend alternative treatment

# The Defense Team Mentor provides:



# Questions:

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- **How well do you think you are currently representing parent clients?**
  - Regularly meet with your client outside of court and in between court hearings?
  - Provide assistance to remove barriers clients are experiencing, i.e. waitlist, miscommunications with service providers, cancelled visits, etc.
  - Provide timely updates to your client?
  - Discuss case strategy with your client?
  - Allow your client to decide the direction of the case?
  - Use trauma informed language when speaking with client?
- **Do you think you could do a better job of representing your client with a Team of experts assisting you?**
  - Master Social Worker
  - Lived Experienced Mentor
- **Would you view your Team as staff or teammates?**
  - Roles of Interdisciplinary Team members
- **Have you managed employees, interns, independent contractors in your current practice?**
- **How familiar are you with the Rules of Professional Conduct?**

# Rules of Professional Conduct

## Rule 5.3 – Responsibilities Regarding non-lawyer assistants

With respect to a nonlawyer . . . associated with a lawyer:

- (b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the nonlawyer's conduct complies with the professional obligations of the lawyer.

### **Nonlawyers Outside the Firm:**

#### **Comment 3:**

A lawyer may use nonlawyers outside the firm to assist the lawyer in rendering legal services to the client. Examples include interns, independent contractors, etc.

The lawyer's obligation to ensure the nonlawyers conduct complies with the professional obligations of the lawyer will depend upon the circumstances, including

- the terms of any arrangements concerning the protection of client information; and confidentiality.
- When directing a nonlawyer outside the firm, a lawyer should communicate directions appropriate under the circumstances to give reasonable assurance that the nonlawyer's conduct is compatible with the professional obligations of the lawyer.



## **Interdisciplinary Teams assist the lawyer in following the Rules of Professional conduct.**

**Rule 1.2 Scope of  
Representation &  
Allocation of Authority,  
Rule 1.3 Diligence and  
1.4 Communication, Rule  
2.1 Advisor, Rule 3.1  
Meritorious Claims and  
Contentions**

### **A lawyer shall:**

- Establish and maintain a trusting relationship with the client
- Reasonably consult with the client about the means by which the client's objectives are to be accomplished
- Keep the client reasonably informed about the status of the matter
- Promptly comply with reasonable request for information
- Explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation
- Make initial contact promptly after appointment as counsel (within 48 hours)
- Provide the client with the attorney's contact information
- Advise their client of the attorney's role, responsibilities, and limitations (this should be revisited throughout representation)

***An IDT assists with communication and providing reasonable explanations to your client to help the client make informed decisions.***

# Competence is necessary in utilizing IDTs to represent Clients.

The Rules of Professional Conduct:

## **Rule 1.1. Competence.**

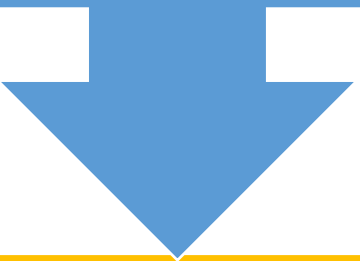
- A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

***An IDT assists the attorney in the thoroughness needed to prepare the client and the case for extraordinary representation.***

***An IDT compliments the attorney's legal knowledge.***

*Have you ever?*

Told your clients “I won’t work harder than you”



Any other similar statement such as:

“It is not my job to get your kids back, it’s yours”

“It is not my fault we are here, it’s yours”

“You would not be here if it was not for your actions”

“Just do what I say and you will get your kids back”



# What Prompts this Thought/Response?

Anyone brave enough to share?

# Is It Because We?

- Judge our client's actions?
- Have explicit or implicit biases?
- Believe we are *superior* to our clients?
- Don't like our clients?
- Don't agree with our client's end goal?
- Value our role more than the clients?
- View our clients through a punitive lens?

# Thoughts to Consider...

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- Are the roles the same?
- How do you balance your perception of your standard of work versus your ethical requirements?
- Does explicit or implicit bias play a role?
- Do you work harder for clients you like vs. clients you dislike?
- Do you work harder when you agree with the client's decisions?
- Do you work harder when the client's actions are more socially acceptable?
- Do you believe your opinion is more important than the client's direction?

# As Attorneys Do We

- Have the same role as our clients in these cases?  
No
- Dictate the end goal?  
No
- Have the final say in anything that occurs in a case?  
No
- Control the final outcome?  
No



How Do We  
Change these  
thoughts?

## We Shift the Paradigm

par·a·digm shift

*noun*

**a fundamental change in  
approach or underlying  
*assumptions***

Origin 1960s: term used in the writings  
of Thomas S. Kuhn  
(1922–96), philosopher of science.



# “I Won’t Work Harder Than You” As The Dominant Paradigm

## Assumption 1:

The role of the attorney and the client are the same

## Assumption 2:

The effort by an attorney is directly proportional to the client’s efforts in the case

# Assumption 1:

~~The role of the attorney and the client are the same~~

- The **client's role** is to assist their attorney with their defense, engage appropriately with agency worker and the court, work to correct the conditions that brought the child/ren into custody, and follow court orders.
- The **attorney's role** is independent of the clients:
  - The attorney should know and understand the law, the legal actions and remedies in the child welfare proceeding. The attorney utilizing their knowledge of the law provide appropriate guidance to the client, and ultimately, advocate for the client's expressed interests.
  - The attorney should provide high-quality legal representation both in and outside of the courtroom
    - [High-Quality Legal Representation - Family Justice Initiative](#)
  - Ethical Considerations (Rules of Professional Conduct):
    - Rule 1.3: Be diligent and prioritize the client's interests.
    - Rule 1.1: Competence through a solid understanding of the law.
    - Rules 1.2 – Shall abide by client's decision
    - Rule 2.1: Provide informed legal counsel aligned with client goals.
    - Rule 3.1: Advance meritorious claims while ensuring procedural integrity.

## Assumption 2:

~~The effort by an attorney is directly proportional to the client's efforts in the case~~

- If a client is not acting within the scope of their role to assist their attorney with their defense, engage appropriately with DHS and the court, work to correct the conditions that brought the child/ren into custody, and follow court orders, *is the attorney relieved from their ethical obligations to:*

*Provide high-quality legal representation*

*Rule 1.3: Be diligent and prioritize the client's interests.*

*Rule 1.1: Competence through a solid understanding of the law.*

*Rule 2.1: Provide informed legal counsel aligned with client goals.*

*Rule 3.1: Advance meritorious claims while ensuring procedural integrity.*

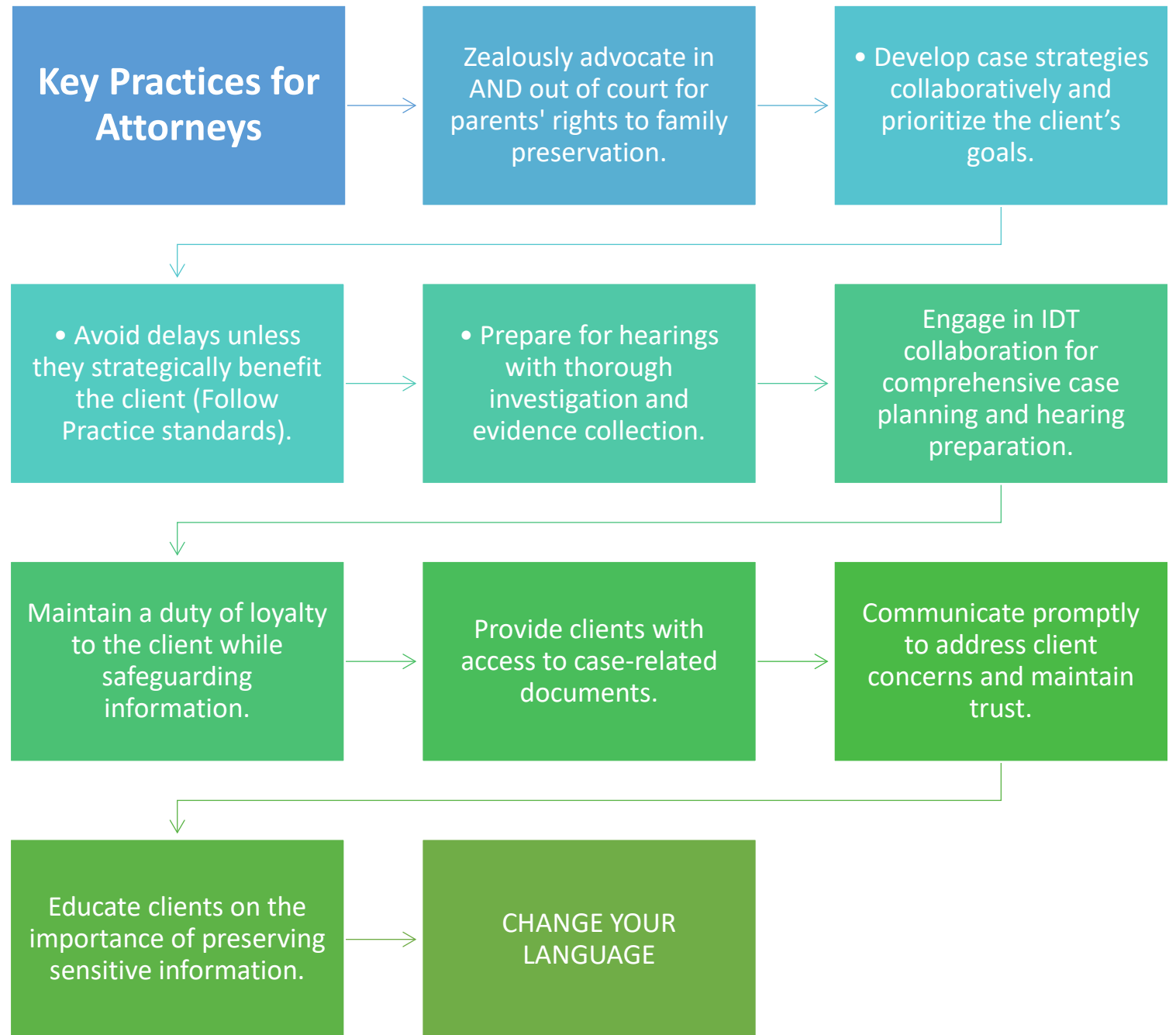
- **NO**, unless the attorney seeks to withdraw (Rule 1.2 and 1.6) because the client's actions or lack of cooperation make it impossible for the attorney to continue representing them effectively or in good faith, the attorney must continue to provide representation in accordance with all ethical requirements.

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“DO THE BEST YOU CAN UNTIL YOU KNOW BETTER.  
THEN WHEN YOU KNOW BETTER, DO BETTER.”

*-Maya Angelou*

# Strategies to Shift the Paradigm



# Change YOUR Language

- **Avoid judgmental or stigmatizing terms**

**Avoid:** "You are an addict," or "You're an unfit parent."

**Try instead:** "Let's address the concerns related to your well-being and how they impact your parenting."

**Rationale:** Using non-stigmatizing, more neutral language helps to remove labels and fosters a more solution-oriented dialogue.

- **Describe the parents' circumstances in a neutral and empathetic way**

**Avoid:** "You failed to provide for your children."

**Try instead:** "Let's address the challenges you are facing in providing for your children's needs, and we can work together to find solutions."

**Rationale:** Framing challenges in a supportive way avoids blame and opens the door to problem-solving.

- **Fostering empathy & compassion in language**

**Avoid:** "Your actions led to your child being removed from your home."

**Try instead:** "Let's work together on the significant issues that have arisen so we can ensure your family's safety and well-being are addressed while we work on reunifying your family."

**Rationale:** Framing the situation with empathy rather than condemnation creates space for a more cooperative and understanding approach.

- **Focus on parents' strengths**

**Avoid:** "You never follow through with your case plan."

**Try instead:** "You've made progress in some areas, and there are additional steps we can take to help you complete your case plan."

**Rationale:** Highlighting progress, even if incremental, can empower parents and boost their confidence in working with their attorney. Always end on a positive.

- **Use person-first language**

**Avoid:** "Addict" or "Homeless"

**Try instead:** "The parent is working on recovering from substance use" or "The parent is currently experiencing housing instability."

**Rationale:** Person-first language centers on the individual, not their challenges, and acknowledges that these are situational aspects of their life rather than their identity.

Language matters!

# Practice Based Tips:



Utilize a client intake process that helps you get to know your client better



Take the Harvard Implicit Bias test: [Implicit Bias Test](#)



Create and utilize a client-based survey



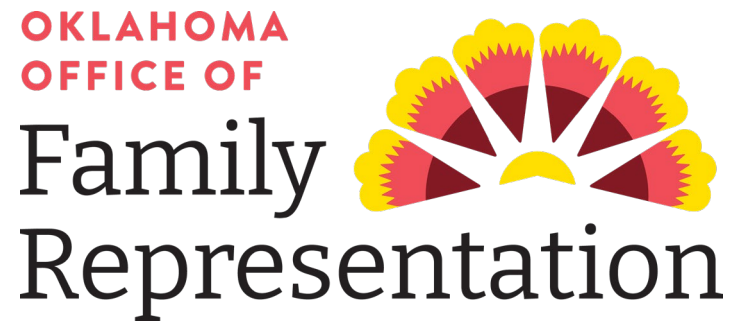
Ask for peer feedback



**Utilize IDT representation**



Engage in ongoing training and education to address cultural humility and bias.



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