

NASW Legal Defense Fund

Application for Assistance

BACKGROUND

The **NASW Legal Defense Fund (LDF)** was established in 1972 by the NASW Board of Directors to advance the legal interests of the social work profession. One of the major ways in which this is done is through grants of financial assistance to defray the legal expenses of NASW members engaged in litigation related to the *NASW Code of Ethics*, social work principles, and/or standards of social work practice advocated by the association. LDF is administered by a Board of Trustees appointed by the President of NASW. The Trustees meet twice a year, the spring and fall, to review all properly completed applications that meet LDF qualifications and to conduct other business required for the administration of the Fund.

Financial support for LDF is received from voluntary contributions, principally from the LDF check-off on the NASW member dues renewal form. The Trustees' ability to provide assistance to association members is limited by the contributions received and resources available.

INDIVIDUAL APPLICATION CRITERIA

The following questions should be addressed when completing the attached application. The information will be considered during the application review process to determine whether a matter will receive financial support from the LDF fund:

- Whether the applicant is an active member of NASW;
- Whether the issues presented in the application are significant to the social work profession;
- Whether the legal matter/lawsuit involves the *NASW Code of Ethics* or principles and standards of social work practice advocated by NASW;
- Whether funds are needed to initiate legal action which promotes the interests of the social work profession or of a significantly large group of NASW members. Examples of issues of interest include pay equity, client confidentiality, restrictions or prohibitions on the right of social workers to join professional organizations, regulatory restrictions that improperly limit social work practice, etc.,
- Whether there is a likelihood of success in the legal action.

CLASS ACTION LAWSUITS

Class action lawsuits provide a procedure by which one or more persons may sue as representatives of a larger group (the class) without a need to name every individual member of the class as plaintiffs. This type of litigation may involve considerations that are not applicable in individual suits. In addition to the information requested for an individual applicant, an application involving a class action should also discuss why the class action is necessary to advance the *NASW Code of Ethics* or standards of social work practice advocated by the association. The application should also provide the names and addresses of the individuals who will be named as

class representatives and indicate which of the class representatives are NASW members. The class relief sought in the lawsuit and its benefit to social workers should also be identified.

NASW Legal Defense Fund APPLICATION

INFORMATION REQUESTED

The application should be typed or printed. The attached cover page should be completed. Application materials should be submitted in the order provided below. The applicant's name should be included at the top of each page and each section should be clearly identified with a heading. Questions should be addressed to 800-638-8799 Ext. 290.

The Trustees' decision to approve any request, in whole or in part, and the circumstances and conditions of any grant are final. LDF grant funds are paid to the applicant's attorney to reimburse legal fees and expenses. The attorney reimburses the applicant for any fees and expenses which have already been paid by the applicant and are covered by the LDF grant.

Information required:

1. Summary Statement (maximum 3 pages)
 - Identify the parties involved in the litigation and which parties are NASW members.
 - Provide a statement of the facts that support the request for assistance.
 - Arrange information in chronological order.
 - Specify the dollar amount of financial assistance requested. Provide information about other sources of financial support.
2. Indicate How the Issues Relate to LDF Criteria
 - Describe the issues related to the NASW *Code of Ethics*. Cite the relevant principles of the *Code* and include brief statements about how the situation is consistent with upholding the principles cited.
 - Describe those issues that have significant implications for the social work practice and the profession. Examples might be pay equity, declassification, upholding client confidentiality, testifying as an expert witness, licensing issues etc. Describe the importance of this case to the profession.
3. Indicate Whether You Have Contacted the Local NASW Chapter:
 - Provide copies of any correspondence.
 - Note any support received or issues raised.
4. Supporting Documents

Submit pleadings and legal briefs, contracts, letters, and other supporting documents that directly relate to the issue(s) presented in the application. **(Be selective and submit only those documents that add materially to your statements.)**
5. Counsel Response Form (To be completed by applicant's attorney)
 - The Counsel Response Form may be submitted separate from the LDF application if completed by the applicant's attorney.
 - Copies of attorney invoices for legal expenses and fees should be included with the application.

- If the application presents a request for funds to retain an attorney, include a letter or statement from an attorney regarding the estimated legal costs for handling the case.
- 6. Chapter Questionnaire
Please mail or fax the chapter Questionnaire and a copy of the summary statement to the Executive Director of your NASW chapter. Request that the complete Questionnaire be faxed to the national office at 202-336-8280.
- 7. Authorization Form
The authorization form is signed by the applicants and permits LDF to publish in NASW publications a synopsis of the situation that prompted the request for assistance in the published material unless you request that it be kept confidential. The form also confirms the intention of the applicant to repay any legal fees awarded by LDF if an award of attorneys' fees is made in the litigation.

The cover sheet, application, supporting documentation and authorization statement should be submitted to:

**NASW Legal Defense Fund
750 First Street, NE, Suite 700
Washington, DC 20002-4241**

NASW Legal Defense Fund
APPLICATION FOR SUPPORT

Please return this cover page and all attachments to the address listed below. (Print or type)

Name: _____

Membership I.D. #: _____

Mailing Address: _____

Phone: B: _____

H: _____

Mobile: _____

Fax: _____

E-mail Address: _____

The attached application and documents are being submitted to the NASW Legal Defense Fund Trustees for their review and decision related to my request for financial assistance with legal fees and expenses. I understand that the enclosed materials will not be returned.

Signature: _____

Date: _____

NATIONAL ASSOCIATION OF SOCIAL WORKERS
750 First Street, NE, Suite 700
Washington, DC 20002-4241
800-638-8799 (Ext. 290)/202-408-8600
FAX: 202-336-8280

NASW Legal Defense Fund
Legal Counsel Response Form

Name of Applicant: _____

Please provide the information outlined below. The applicant's name must be included at the top of each page that is prepared. Clearly identify each category being addressed with a heading. A signed retainer letter and/or copies of the most current invoice(s) must be submitted.

A. Identify the court or administrative agency where the case will be adjudicated.

B. Describe the procedural status of the litigation.

C. Provide a summary of the arguments, both factual and legal, in support of the applicant's position. (Note: Pleadings outlining the arguments may be submitted in lieu of a separate statement.)

D. Provide a summary of statutes, cases, and other precedents that support the applicant's position. (Note: Pleadings outlining the arguments may be submitted in lieu of a separate statement.)

E. Provide a summary of statutes, cases, and other precedents against the applicant's position. (Note: Pleadings outlining the arguments may be submitted in lieu of a separate statement.)

F. Provide any additional information that supports the case. If the litigation is a class action suit, indicate how large the class is, who the class representatives are, and whether the class has been certified.

Print name, address, and telephone number of attorney:

Return responses to:

Legal Defense Fund
National Association of Social Workers
750 First Street, NE, Suite 700
Washington, DC 20002-4241, Tel. 800-638-8799/202-408-8600
FAX: 202-336-8280

**NASW Legal Defense Fund
Chapter Questionnaire**

Applicant Name: _____

The NASW Legal Defense Fund/Office has received an application for financial assistance with legal expenses from the individual listed above. A copy of the applicant's summary statement is attached. The Chapter President, Executive Director, or their designee should review the applicant's summary statement and the LDF application criteria and then prepare responses to the questions listed below. Clearly identify each question being addressed. Responses should be returned directly to the LDF Office within thirty (30) days of receipt of this questionnaire. Questions regarding completion of this questionnaire should be addressed to LDF staff at the Chapter or National office.

1. Is the applicant known to the chapter? In what capacity?
2. In the chapter's opinion, does the applicant's case meet LDF criteria for case support?
3. Are the issues of significant concern to the social work profession? What is the chapter's view on the merits of issue(s) presented in this application?
4. Is there local interest surrounding the issue? If so, explain how the chapter or other colleagues have been involved.
5. Is there additional information that the chapter would like to share with the Trustees that is relevant to this particular situation?

Response prepared by:

(Signature)

(Title)

(Date)

**Legal Defense Fund
National Association of Social Workers
750 First Street, NE, Suite 700, Washington, DC 20002-4241
800-638-8799/202-408-8600 FAX: 202-336-8280**

Legal Defense Fund
AUTHORIZATION FOR RELEASE OF INFORMATION/AWARD OF FEE AGREEMENT

Each member who is applying for assistance should complete this authorization statement and attach it to the application materials.

In the event that my case is supported by the NASW Legal Defense Fund, I,
_____ authorize the publication of information about the
case in an upcoming *NASW News* article or in other NASW publications with the use of my name.

Please check one:

___ I Permit publication with the use of my name.

___ I Permit publication without the use of my name.

(Signature) (Date)

I agree that if I receive an LDF grant and I am subsequently awarded or paid Attorneys' fee in my case, I will repay the grant in proportion to the fees awarded.

(Signature) (Date)

NATIONAL ASSOCIATION OF SOCIAL WORKERS
750 First Street, NE, Suite 700, Washington, DC 20002-4241
800-638-8799 x290/202-336-8290
FAX: 202-336-8280