

# Legal Defense Fund Annual Report 2025



## Introduction

The NASW Legal Defense Fund (LDF) was established in 1972 by the NASW Board of Directors to provide educational materials related to advocacy for social work issues, to educate members and others about legal issues related to social work, and to assist NASW members and the social work profession in lawsuits to protect legal and ethical principles important to the profession. LDF is located within NASW's Office of General Counsel (OGC) and staffed by the OGC.

Over the years, LDF has provided financial support to numerous members with legal cases and legal support for "friend of the court" briefs (*amicus curiae* briefs). The funds for LDF case support and educational projects have come primarily from the voluntary dues check-off (currently \$10) by NASW members on their initial and annual renewal applications.

LDF has underwritten educational projects for NASW members, including conferences, webinars, and other courses. The funding for some of these projects is provided by the Aileen Neely Fund and the Social Work Ethics and Law Institute (SWELI), which are designated charitable funds for LDF education projects, housed within the NASW Foundation.

## LDF *Amicus Curiae* Briefs

NASW, through LDF, is frequently asked to initiate the filing of a brief with a unique social work outlook or to participate in *amicus curiae* briefs initiated by other organizations with shared interests in a particular policy area. NASW's participation in these briefs is based on the principles in the NASW *Code of Ethics* and NASW's policy statements published in *Social Work Speaks*. The support of well qualified *pro bono* legal counsel is utilized in most cases to facilitate NASW's participation as a friend of the court. In 2025, six *amicus* briefs were filed on behalf of NASW and chapters, which include:

***People of Michigan v. Cinecca Madison*, 25 N.W.3d 122 (Mich. 2025)**  
(Michigan Supreme Court)

**Case Description:** In *Michigan v. Madison*, the Michigan Supreme Court is considering whether defendants may introduce scientific evidence of mental illness to negate the specific intent required for certain crimes. The *amicus* brief argues that longstanding precedent barring such evidence ignores well-established scientific research showing that serious mental illness can impair a person's ability to form specific intent even when they are not legally insane. The case presents an opportunity for the Court to reconsider that precedent and restore the diminished-capacity defense consistent with both science and legislative intent.

**NASW Supported:** Madison

**Outcome:** Undecided

**Date Brief Filed:** March 12, 2025

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***Catholic Charities of Jackson v. Gretchen Whitmer*, 162 F.4th 686 (6th Cir. 2025)**  
(U.S. Court of Appeals Sixth Circuit)

**Case Description:** This case challenges the constitutionality of Michigan’s ban on conversion therapy for minors, which prohibits licensed counselors from engaging in gender identity and sexual orientation change efforts. In an amicus brief, NASW and allied professional organizations argued that sexual orientation and gender identity change efforts are discredited and not supported by credible scientific evidence. Studies have shown that these practices are particularly harmful for minors. The brief urged affirmance of the lower court’s decision to allow the conversion therapy ban to remain in effect as the case is argued, emphasizing that the ban protects vulnerable youth from practices linked to severe psychological distress and increased suicide risk.

On December 17, 2025, the Court of Appeals blocked Michigan’s ban on conversion therapy for minors until a final decision is made by the lower District Court. In a 2-to-1 decision, they ruled that Michigan’s law is likely unconstitutional because it limits speech based on its content, as gender-affirming talk therapy is allowed while conversion talk therapy is not. Although the overall case contesting Michigan’s conversion therapy ban is still ongoing, its constitutionality is set to be decided by the Supreme Court in the case of *Chiles v. Salazar*, No. 24-539 (U.S. argued Oct. 7, 2025).

**NASW Supported:** Whitmer

**Outcome:** Unfavorable

**Date Brief Filed:** June 3, 2025

***Chiles v. Salazar*, No. 24-539 (U.S. argued Oct. 7, 2025).**  
(U.S. Supreme Court)

**Case Description:** This case will determine if states can ban conversion therapy for minor clients, as Chiles claims that Colorado’s ban on minor conversion therapy limits the First Amendment rights of freedom of speech and freedom to exercise religion. In this amicus brief, NASW joined other professional organizations in arguing that talk therapy is a mode of treatment and not speech, and that the documented negative effects of conversion therapy require states to ban its use to protect their citizens from undue harm. NASW urges the Supreme Court to affirm the rulings of the lower courts, and to allow states to continue to protect LGBTQ+ children from harmful practices.

**NASW Supported:** Salazar

**Outcome:** Undecided

**Date Brief Filed:** August 26, 2025

***Little v. Hecox*, No. 24-38 (U.S. argued Jan. 13, 2026) & *West Virginia v. B.P.J.*, No. 24-43**  
**(U.S. argued Jan. 13, 2026).**  
(U.S. Supreme Court)

**Case Description:** NASW, the American Psychological Association, and the American Association for Marriage and Family Therapy joined in this amicus brief to advocate against state laws in Idaho and West Virginia that ban transgender women and girls from participating on sports teams consistent with their gender identity. Barring transgender people from participating in sports stems from and

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contributes to harmful stigmas that negatively impact their health and wellbeing. Participation in sports nurtures teamwork and leadership skills, develops self-confidence, and fosters a sense of belonging. This issue reflects NASW's mission to advance social justice, protect human dignity, and ensure equitable access to care.

**NASW Supported:** Hecox and B.P.J.

**Outcome:** Undecided

**Date Brief Filed:** November 25, 2025

*Ethical Soc'y of Police v. Bondi, No. 1:25-cv-13115-IT (D. Mass. Oct. 30, 2025)*  
(U.S. District Court in Massachusetts)

**Case Description:** This case will determine if the United States Department of Justice can unilaterally abolish the Community Relations Service (CRS), which has been an integral part of conflict resolution and community support since its creation by the Civil Rights Act of 1964. The role of the CRS is to actively facilitate discussions between communities and the government during times of tension, such as in the aftermath of mass shootings and natural disasters. The CRS also assists in programs that help heal communities from past traumas and works toward better relationships between government agencies and the public. NASW supports the CRS and its foundation in social justice principles and stands against the unlawful action of the Department of Justice.

**NASW Supported:** Ethical Society of Police

**Outcome:** Undecided

**Date Brief Filed:** December 5, 2025

## Clemency Letters

Clemency letters aim to advocate for mercy or leniency in the sentencing of an individual based on various humanitarian grounds, including rehabilitation prospects, remorse, and mitigating circumstances such as a mental health diagnosis. For those facing the death penalty, LDF is occasionally asked to argue for commutation of the sentence to life imprisonment without the possibility of parole, rather than execution. In 2025 LDF wrote two clemency letters:

### David Lee Roberts

NASW submitted a clemency letter on behalf of David Lee Roberts, who is currently on death row in Alabama for first degree murder. Mr. Roberts' poverty and history of severe mental illness were instrumental in his crime, conviction, and years in solitary confinement. We believe in the practice of social justice, dignity and worth of a person, and the importance of human relationships. Given Mr. Roberts' extensive history of mental illness and the circumstances of his death sentence, we asked Governor Kay Ivey to commute Mr. Roberts' sentence to life in prison without parole. Mr. Roberts' execution remains on hold.

### Lance Shockley

NASW submitted a clemency letter on behalf of Lance Shockley, who was on death row in Missouri for Capital murder. NASW stands firmly against the use of the death penalty due to its finality, its

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cruelty, and the grave risk of wrongful conviction. Given the lack of direct evidence in Mr. Shockley’s case, his consistent claims of innocence, and the positive contributions he had made while incarcerated, we urged Missouri Governor Mike Kehoe to commute his sentence to life in prison without parole. Mr. Shockley was executed on October 14, 2025.

## **LDF Helpdesk Calls**

When members are handed subpoenas, face murky mandated reporting situations, or need to understand confidentiality rules for minor clients, they turn to the LDF Helpdesk for guidance. The LDF Helpdesk provides members with direct access to timely, practical information and resources at the intersection of law and social work.

Members frequently seek guidance on topics such as responding to subpoenas and records requests, navigating confidentiality when working with children, and determining whether a situation triggers mandated reporting obligations. Many of these issues are also addressed in LDF’s Legal Issue Articles, which serve as an ongoing resource for members.

The LDF Helpdesk provides legal information—not legal advice—and members are encouraged to consult an attorney licensed in their state for representation or matter-specific legal support.

## **Hours of Operation**

The LDF Helpdesk is available Tuesdays and Thursdays from 9:30 AM to 12:00 PM ET and 2:00 PM to 4:30 PM ET. Please visit our [website](#) to learn more.

## **2025 Impact**

In calendar year 2025, the LDF Helpdesk responded to calls from **801** members and sent **323** follow-up emails providing targeted resources and guidance. The Helpdesk averaged 67 calls per month, with demand peaking at 101 calls in July.

## 2025 LDF Helpdesk Calls By Month



Our members turned to NASW's Legal Defense Fund with critical questions this year. Here's the top three categories:

### 1. Access to Client Records & Subpoenas (333 calls)

The most common challenge: navigating third-party requests for client information. Social workers needed guidance on responding to subpoenas, handling insurance agency demands, managing custody disputes involving minor records, and understanding record retention requirements.

### 2. Social Work Practice Standards & Professional Issues (205 calls)

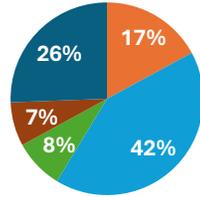
From launching a new practice to ethically closing one, social workers sought clarity on the business and professional aspects of their work—including how to find legal representation and appropriately terminate client relationships.

### 3. Licensure Requirements and other Licensing Board Issues (137 calls)

Regulatory compliance questions dominated this category, particularly around licensing board complaints, providing telehealth services across state lines, and meeting supervision requirements for licensure.

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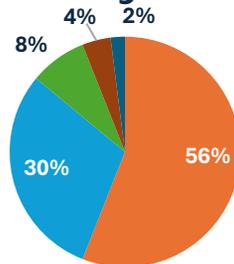
## 2025 LDF Helpdesk Calls



- Licensure Requirements and Other Licensing Board Issues
- Access to Client Records and Subpoenas
- Mandated Reporting and Duty to Warn
- Insurance and Related Issues
- Social Work Practice Standards and Professional Issues

The LDF Helpdesk received calls from members who work in many different settings, including group practices or agencies (56%), solo practice (30%), schools and universities (8%), medical care Facilities (4%), and those with government positions (2%).

## Helpdesk Calls by Practice Setting



- Group Practices and Agencies
- Solo Practice
- Schools and Universities
- Medical Care Facilities
- Government Agencies

## 2025 Member Education Programs

LDF designed and delivered professional education programs for NASW members nationwide, many offering Continuing Education credits. These programs addressed emerging practice issues identified through LDF's member consultation services. Our past programs can be found on [our website](#) and can be accessed on demand.

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### [\*\*Beyond the Therapy Room: Legal and Business Strategies for Social Work Private Practice\*\*](#)

(January 2025)

**Presenters:** Allison Puryear, Ashlee Fox

This presentation addressed a long-standing need among social workers who are navigating private practice without adequate legal or business preparation. The session focused on documentation, confidentiality, contract management, marketing, and insurance considerations, providing clear, accessible guidance that practitioners could immediately apply.

### [\*\*2025 NASW Conference: Is it Ethical? Is it Legal? Contemporary Dilemmas in Social Work Practice\*\*](#) (June 2025)

**Presenters:** Ashlee Fox, Andrea Murray

Ethics and legal calls are among the most valued benefits offered to NASW members. Each year, the Association interfaces with thousands of social workers around ethics and legal questions. The data garnered from NASW legal and ethics consultations uniquely postures the association to articulate key ethical and legal challenges facing the social work profession. This symposium examined the leading ethical and legal concerns facing the profession; identified trends; and equipped participants with best practice guidance and strategies that will advance ethical and legal practice. The presentation addressed micro, mezzo, and macro perspectives regarding current dilemmas and challenges facing social workers and allied health professionals.

### [\*\*The Coaching Conundrum: The Legal Implications of Coaching for Social Workers\*\*](#) (December 2025)

**Presenters:** Ashlee Fox, Dr. Karen Goodenough (Executive Director-Minnesota), and Dante Lentz

Responding directly to member inquiries through the LDF Helpdesk, this program clarified the ethical and legal parameters of coaching services for licensed social workers. Co-presentation with Dr. Karen Goodenough, Minnesota Executive Director underscored the strategic importance of this emerging practice issue and the Social Work Licensure Compact.

## **LDF Grants**

One of the primary ways the Legal Defense Fund (LDF) advances the legal interests of the social work profession is through its LDF Grant program. LDF Grants provide financial assistance to help defray legal expenses incurred by NASW members engaged in litigation that implicates the *NASW Code of Ethics*, social work principles, or standards of social work practice advocated by the Association.

When reviewing LDF Grant applications, several factors are considered, including:

- 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;

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- 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; and
  - Whether there is a likelihood of success in the legal action.

The LDF Board of Trustees reviews all properly completed applications at each LDF Board Meeting. Legal issues that may warrant consideration for an LDF Grant include pay equity, client confidentiality, restrictions or prohibitions on the right of social workers to join professional organizations, and regulatory restrictions that improperly limit social work practice. Most recently, LDF provided financial assistance to an NASW member involved in a legal dispute related to an insurance clawback. More information about the LDF Grant process and the LDF Grant application can be found [here](#).

## Member Publications & Alerts

LDF authored timely legal updates for NASW members on rapidly evolving regulatory matters:

[\*\*\*Corporate Transparency Act Legal Updates\*\*\*](#) (January, March, April 2025)

**Author:** Tyra Robinson

As litigation challenged this new federal reporting requirement, LDF published multiple updates keeping private practice social workers informed of their obligations. When businesses were ultimately exempted, these alerts saved members from unnecessary compliance costs and confusion.

[\*\*\*Navigating ICE Presence in School and Healthcare Facilities\*\*\*](#) (February 2025)

**Authors:** Ashlee Fox and Catera Pettway

In light of a January 2025 executive order removing protections that previously kept ICE out of schools, hospitals, and other sensitive location, LDF published this article providing critical guidance for social workers navigating this new landscape. What are social workers' legal obligations and available options when faced with immigration enforcement actions? How do they balance client protections like confidentiality with professional duties?

[\*\*\*Public Servants Beware: Executive Order Threatens Your Student Loan Forgiveness\*\*\*](#) (May 2025)

**Authors:** Ashlee Fox and Catera Pettway

The article alerted and educated NASW members about the March 2025 executive order affecting the Public Service Loan Forgiveness (PSLF) program and its potential consequences for social workers. The order directed the Department of Education to redefine "public service" in ways that could exclude

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certain nonprofits—particularly those involved in immigration, DEI, protest activity, or gender-affirming care—based on broadly worded criteria. Although the changes had not yet taken effect, the proposal raised significant concerns for social workers and other nonprofit employees who rely on PSLF, underscoring the importance of borrowers verifying their eligibility and documentation.

[\*\*\*Telehealth for Clinical Social Work\*\*\*](#) (May 2025)

**Authors:** Updated by Catera Pettway

Telehealth has expanded access to clinical social work services, but it remains tightly regulated by federal and state law. This article emphasizes that most pandemic-era flexibilities have expired, meaning social workers must once again ensure they are licensed where the client is located, use HIPAA-compliant technology, and obtain appropriate informed consent. The article also highlights high risk areas—including privacy, cross-jurisdiction practice, and insurance coverage—and provides best practices to help clinical social workers deliver telehealth services ethically, securely, and in compliance with evolving legal requirements.

[\*\*\*Disaster Relief, Licensure Flexibility, and Ethical Considerations\*\*\*](#) (June 2025)

**Authors:** Ashlee Fox and Catera Pettway

When disasters strike, the demand for social workers surges, and so do legal and ethical complexities. This article provided essential guidance for social workers responding to disasters: how emergency licensure waivers work (and why they vary by state), what the Social Work Licensure Compact means for disaster response, permissible disclosure of protected health information without consent pursuant to HIPAA, and how to navigate ethical dilemmas around self-determination, competence, and dual relationships in high-stress environments.

[\*\*\*Gender Affirming Care and Executive Order 14187: Current Legal Developments for Social Workers\*\*\*](#) (June 2025)

**Authors:** Ashlee Fox and Catera Pettway

In response to a January 2025 executive order directing federal agencies to withdraw funding and support for gender affirming care for minors, LDF published this article identifying important information for social workers: shifting federal policies affecting client protections, legal mental health services in restrictive states, protecting client confidentiality, navigating cross-state referrals, and more.

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[\*Preventing and Responding to Electronic Privacy Breaches\*](#) (December 2025)

**Author:** Dante Lentz

Social workers have traded file boxes for flash drives, and with that shift comes serious cybersecurity responsibilities. Electronic protected health information (ePHI) is vulnerable to malware, phishing attacks, and data breaches, and social workers must be prepared to respond appropriately when breaches occur. This article explains what constitutes a privacy breach under HIPAA and the HITECH Act, outlines prevention strategies (encryption, multifactor authentication, robust backup systems), and provides step-by-step guidance on responding to breaches, including notification requirements, timelines, and reporting obligations to clients, government agencies, and potentially the media.

[\*Social Workers and Elder Abuse\*](#) (December 2025)

**Author:** Dante Lentz

Most social workers know their child abuse reporting obligations, but elder abuse remains less familiar territory despite affecting nearly one in twenty older adults annually, and that's just what's self-reported. Elder abuse takes many forms: physical harm, sexual abuse, neglect, financial exploitation, emotional abuse, abandonment, and even self-neglect. This article clarifies what constitutes elder abuse under new federal standards, identifies six types of abuse and their warning signs, explains the role of Adult Protective Services and Long-Term Care Ombudsmen, and outlines mandatory reporting requirements, which vary by state but typically require social workers to report suspicions, not proof.

[\*The Coaching Conundrum: The Legal Implications of Coaching for Social Workers – Part One\*](#)

(December 2025)

**Author:** Dante Lentz

As coaching continues to grow in popularity, many social workers are integrating coaching techniques into their practice or considering separate coaching businesses. Because coaching is largely unregulated, these practices create legal and licensure questions. This article explores the key differences between social work and coaching, the legal considerations for social workers who coach, emerging state regulations in the field, and what social workers should understand before incorporating coaching into their work, either within their existing practice or as a separate venture.

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## **Conclusion**

Over the past year, LDF has provided legal guidance to NASW members by responding to over 800 member calls and offering valuable legal resources in response to calls pertaining to client records, subpoenas, telehealth, client confidentiality, and licensing. LDF continues its role in educating members about social workers' legal rights and ethical responsibilities through webinars, online resources, and availability of published legal articles.

The need for legal information and resources among NASW members remains high and the Legal Defense Fund is well-positioned to serve members by maintaining and expanding communication with members, all social workers, and the public.

The following NASW members currently serve on the LDF Board of Trustees:

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**Chair**

Reinaldo “Ray” Cardona, MSSW, LCSW-R

**(2023-2026) (2<sup>nd</sup> term)**

Adjunct Instructor

University at Albany

**Vice Chair**

Dr. Quincy L. Dinnerson, DSW, LMSW, QMHP-C, ACSW

**(2025-2028) (2<sup>nd</sup> term)**

Assistant Professor/BSW Director of Field Ed,

The Ethelyn R. Strong School of Social Work

Dr. Shanika Lavi Wilson, DSW, LCAS, LCSW

**(2023-2026) (1<sup>st</sup> term)**

*Associate Professor*

Department of Social Work

North Carolina Central University

Dr. Herman Curiel

**(2025-2028) (2<sup>nd</sup> term)**

Retired Professor Emeritus

University of Oklahoma

Bisrat Abebe (*National Board Rep*)

**(2025–2026) (1<sup>st</sup> term)**

Carmeann Foster, JD, LICSW

**(2023 – 2026) (2<sup>nd</sup> term)**

Frances Schopick, JD, MSW

**(2024 – 2027) (2<sup>nd</sup> term)**

**Assigned Staff:**

Cheryl-Lyn Bentley-Harmon, JD, MEd

General Counsel

Ashlee Fox, JD, MSW

Deputy General Counsel

Dante Lentz

Paralegal