

**Equity Corps of Oregon**  
**Full-Scope Legal Services -**  
**Bridge Funding**

**September 27, 2021**

## Equity Corps of Oregon

### Full-Scope Legal Services - Bridge Funding

**SUMMARY** - Equity Corps of Oregon is an effort to facilitate universal representation so that every eligible Oregonian can defend against an unjust or unfair deportation on account of immigration status. The selected Awardee will receive \$1,350,000 over the course of twenty-one months with a projected start date of October 1, 2021 to provide the following:

1. Fiscal and regulatory oversight of legal services providers by the Oregon State Bar (OSB), consistent with OSB Standards and Guidelines pursuant to ORS § 9.572, in the provision of legal representation for individuals referred by the Equity Corps Clearinghouse;
2. Periodic reporting and participation in a case/referral placement system.

#### **PART 1. OVERVIEW**

Equity Corps of Oregon's objective is to provide universal representation, which protects our communities by making sure that no individual has to face the risk of deportation without legal consultation and representation. Equity Corps ultimately aims to end unjust and unfair deportations by providing access to an attorney and support services for every eligible Oregonian at risk of removal on account of immigration status. Funding received by the Oregon State Bar from Innovation Law Lab for Equity Corps of Oregon Bridge Funding may be used only for the provision of legal services to the poor without charge and for expenses incurred by the Oregon State Bar in the administration of the Legal Services Program. ORS 9.572(1).

#### **PART 2. BACKGROUND**

The Equity Corps program launched in October 2018 with funding from the City of Portland and Multnomah County. In June 2019, the State of Oregon provided \$2,000,000 in funding to expand the Equity Corps pilot. The funding covered services from October 1, 2019 to June 30, 2021. The City of Portland provided additional support for services for eligible individuals with \$250,000 in funding from September 1, 2020 to August 31, 2021.

#### **PART 3. DESCRIPTION - SCOPE OF WORK**

Legislation (HB 5006) enacted on June 30, 2021 allocates \$2,000,000 in bridge funding to Innovation Law Lab for immigration defense. Of this overall budget, which is to be disbursed over two years (2021 & 2022), Innovation Law Lab will contract with the OSB to provide fiscal and regulatory oversight for legal service providers receiving bridge funding and providing legal representation to individuals referred by the Equity Corps clearinghouse. Nothing in the contract between Innovation Law Lab and the Oregon State Bar will in any way modify

or limit the rules of Oregon Rules of Professional Conduct (RPCs), including those duties attorneys owe clients. Innovation Law Lab anticipates the OSB will subcontract with culturally-responsive Legal Service Providers (“subcontractors”) to meet the program deliverables. Deliverable numbers listed below are meant to be a baseline. Assuming compliance with the contract, the OSB will receive \$1,350,000 (see award summary below), which will be distributed in two payments, in order to minimally achieve the following deliverables:

**Deliverable No. 1:** The OSB will provide mandatory fiscal and regulatory oversight of full-scope, culturally-responsive legal representation from legal service providers to at least 90 cases concurrently in the immigration court throughout the contract period under program OSB Standards and Guidelines. The OSB Standards and Guidelines shall also provide methods for tracking and evaluating the work of the legal service providers.

“Full-scope” means attorneys contracted to represent clients must provide the legal assistance and representation reasonably required by the circumstances of each individual case and in compliance with the RPCs that applies to a case until there is an immigration judge disposition that dismisses, terminates, or administratively closes the case. When consistent with the client's desires and appropriate to the particular case, full-scope will include representation at all stages of immigration court proceedings, including, but not limited to, master calendar hearings, bond proceedings, competency hearings, merits hearings, state court proceedings for Special Immigrant Juvenile predicate orders as applicable, USCIS applications and proceedings that would provide relief from removal. Additional representation services for post-conviction relief, federal habeas corpus, BIA appeals or post-BIA appeals will not be required by this contract, but are encouraged when merited by the issues involved. While many cases may only require limited representation to resolve the underlying dispute, many others will require extended legal representation including trial representation when presented with unique issues of fact and law. Full-scope representation means that the contracted attorneys must abide by the RPCs; and without limitation attorneys will meet their client duties of competence, diligence, communication, loyalty, and the safeguarding of property. Contracted attorneys agree to avoid permissive withdrawal in all cases, and agree to comply with their duties upon withdrawal from the representation as stated in RPC 1.16. Individuals shall not be charged fees for the provision of legal services within the meaning of full-scope. Contracted attorneys must abide by their clients' objectives, which may necessarily involve the protection and preservation of clients' rights to fair and appropriate adjudication of the issues presented. This includes the attorneys' rights and duty to secure the time necessary (through continuance if appropriate) to fully prepare for and defend the rights of their clients and duty to abide by their client's decisions concerning the objectives of representation.

A “case” refers to an immigration matter with a single respondent or a lead respondent, regardless of the inclusion of riders. See EOIR Uniform Docketing System M., Chap. I, Sec. I(D) (rev. Sept 2018); Immigration Court Prac. M., Chap. 4, Section 4.21 (rev. Jan 2021).

“Culturally-responsive” means a service that is respectful of, and relevant to, the beliefs, practices, cultures and linguistic needs of diverse consumer or client

populations and communities whose members identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, and/or preferred language or languages spoken at home, and that has the capacity to respond to the issues of diverse communities and require knowledge and capacity at systemic, organizational, professional and individual levels of intervention.

**Deliverable No. 2:** Subcontractors will participate in a monthly case placement conference. For each case placement conference, a docket of cases referred for proposed placement will be provided to the subcontractor for conflict checks prior to the conference. All conflicts must be declared in advance of the conference. Case referrals for placement will be made based on reported capacity. A subcontractor will not be mandated to accept a referral; however, if the subcontractor denies a placement for a referral, the subcontractor will be required to provide a written reason within 7 days of the case placement conference. The subcontractors will submit a monthly report, without personally identifiable information, of the number of placements accepted and denied with a copy of the written reason for denial.

**Deliverable No. 3:** In accord with ORS 9.572, the director of the Legal Services Program shall provide standards and guidelines for legal service providers receiving funding. Such rules shall provide methods for evaluating legal service providers, and for the director to periodically review legal service providers who receive funding from the program. The OSB shall provide a periodic capacity report regarding cases received through the Equity Corps program. The capacity report shall include, at a minimum, the following information indexed or referenced by referral: cases opened & date opened, cases pending, cases terminated, last major event in the case and date of event, date of termination & reason for termination, identification of relief strategy, case merit outcome, and other information related to a significant change in capacity of the next reporting period.

## Funding Summary

Funding Mechanism:	Contract with subcontracts anticipated
Anticipated Total Available Funding:	\$1,350,000
Anticipated Number of Awards:	1
Anticipated Funding Amount:	\$1,350,000
Project Period:	21 months: October 1, 2021 - June 30, 2023

## Administration of Award

The award period is intended to be for twenty-one months beginning when the contract agreement is proposed to be effective. Funds will be administered by Innovation Law Lab. The OSB will enter into a contracting agreement directly with Innovation Law Lab. Funding received under this program may be used only for the provision of legal services to the poor

without charge and for expenses incurred by the Oregon State Bar in the administration of the program.

The Oregon State Bar may collect an administrative fee not to exceed 5% for its fiscal and regulatory oversight and reporting responsibilities.

Progress criteria (completion of reporting and communication requirements as outlined in the contract) must be met to qualify for the second year of funding. Any additional terms and conditions as required by or imposed by the State of Oregon will be separately negotiated.

## Schedule

Proposed Implementation Plan & Q&A	August 4, 2021
Comments due on Implementation Plan	August 13, 2021
Follow Up Meeting on Implementation	August 16, 2021
Final RFP Issued	September 27, 2021
Projected Start Date	October 1, 2021
Contract Signed	As soon as practical
First Payment	\$625,000 Within 30 days after Oregon DAS funding becomes available
First Capacity Report	November 1, 2021 & every 60 calendar days thereafter through the contract period or as by agreement
First Placement Conference	October 14, 2021 & the second Thursday every month thereafter through the contract period or as by agreement
Midpoint Progress Report	No later than July 15, 2022 for the period covering Oct 1, 2021-July 1, 2022
Second Payment	\$725,000 No later than June 30, 2022, provided funding from Oregon DAS is available
Final Report	No later than July 31, 2023 for the period covering July 1, 2022-June 30, 2023

Funding is not available for the following, at a minimum:

- Any activity that violates local, State, or Federal laws;
- Any activity that violates the terms or conditions of the State of Oregon's contract;
- Payment for professional services not directly related to the proposed activities (with the exception of administrative fees), or for any case not referred through the Equity Corps clearinghouse; or,
- Lobbying activities.

#### **PART 4. SUGGESTED CRITERIA FOR SUBCONTRACTOR LEGAL SERVICE PROVIDER ELIGIBILITY**

In order to serve as a subcontractor Legal Service Provider in implementation of Equity Corps legal services, an organization must be culturally-responsive and capable of providing full-scope legal representation services. It is suggested that each subcontractor Legal Service Provider should minimally meet the following additional criteria:

- Is a 501(c)(3) organization or is fiscally sponsored by one, or is an entity organized under Oregon law capable of providing legal services;
- Has a mission, programming, or services that includes services to immigrants and/or culturally specific services;
- Has a history of providing full-scope immigration legal services to members of immigrant and/or refugee communities for three or more years (or, if a newer organization, since the organization's launch);
- Occupies a position of community trust;
- Is culturally-responsive, as demonstrated by staff and board representation, as relevant, by communities affected by immigration enforcement, or by other factors;
- Does not restrict service based on immigration status;
- Has staff fluent in English and Spanish (it is strongly recommended that all staff having regular contact with individuals referred for placement be fluent in both English and Spanish, at a minimum) and an articulated plan to work with individuals speaking other languages;
- Has strong internal managerial structures, reporting capabilities, and financial controls;
- Is able to provide full-scope removal defense services by the beginning of the contract period;
- Is committed to a Universal Representation model of service where all eligible individuals are defended;
- Demonstrates that all professionals involved in providing services under the subcontract have the appropriate professional licenses and are in good standing professionally;
- Has demonstrated capability to productively collaborate with community-based organizations and relevant government stakeholders.