

Equity Corps of Oregon

ECO Panel Attorney Guidance

October 15, 2021

Equity Corps of Oregon

Full-Scope Legal Services - ECO Panel Attorneys

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 or civic exclusion on account of immigration status. Innovation Law Lab will contract with panel attorneys to represent and fully defend a case before the Portland Immigration Court.

PART 1. OVERVIEW

Equity Corps of Oregon's objective is to provide universal representation, which protects our communities by making sure that no individual faces the risk of deportation without legal consultation and representation. Equity Corps ultimately aims to end unjust and unfair deportations and civic exclusions by providing access to an attorney and support services for every eligible Oregonian at risk of removal on account of immigration status.

Equity Corps has established an Attorney Panel to represent persons eligible for services and who are not otherwise represented by the program. Panel attorneys will be contracted to provide full-scope representation to individuals with cases before the Portland Immigration Court in order to achieve this goal.

PART 2. ELIGIBILITY

In order to be eligible to receive a contract, an attorney must meet the following criteria:

- be in good standing with all relevant bar associations, including the Oregon State Bar or a state bar within the United States, and is registered to practice before the immigration courts. Any prior discipline, including monetary sanctions, is not automatically disqualifying but must be explained to the satisfaction of Innovation Law Lab.
- has and can show proof of malpractice insurance covering at least \$300,000 per claim through the Professional Liability Fund (PLF) or another similar malpractice insurance.
- possesses sufficient knowledge and experience in immigration court matters, with hands-on experience in matters at hearings, including bond hearings, master hearings, motions practice, and merits hearings.

- has practiced immigration law for at least five years before the immigration authorities, with a substantial amount of that time before the immigration courts if the matter is a removal defense matter.
- has a professional history that demonstrates zealous and skilled advocacy for immigrants.
- has experience or demonstrated ability to communicate with and advocate for immigrants from different cultures.
- is able to research, prepare, and present written and oral arguments on behalf of immigrants beyond the filing of generic or canned briefs and the making of routine arguments.
- exhibits good moral and ethical character and has demonstrated professional demeanor with the immigration courts, the immigration bar, and the legal profession in general.

PART 3. DESCRIPTION - SCOPE OF WORK & ANCILLARY SUPPORT

Panel attorneys will be offered the opportunity to contract to provide full-scope representation for cases in the Equity Corps program. Generally, panel attorneys will be referred cases with merits hearings scheduled within the next six months before the Portland Immigration Court. In order to meet the requirements of the contract, attorneys must enter an appearance before the Portland Immigration Court and vigorously pursue full-scope representation of the client(s), as described below.

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).

“Full-scope” means the provision of legal assistance and representation reasonably required by the circumstances of each individual case and in compliance with the Rules of Professional Conduct (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, including the filing of a notice of appeal to the BIA, if appropriate under the circumstances. Additional representation services for post-conviction relief, federal habeas corpus, BIA appeals or post-BIA appeals are not required by the contract. We anticipate that most cases taken under this contract will require trial representation. 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.

PART 4. REFERRAL, PLACEMENT & REPORTING

Cases will be referred with a case dossier which contains a detailed description of the procedural posture, a summary of key filings (when available) and a summary of the likely basis of the claim for relief. After an attorney expresses interest in taking a case, conflicts check information will be shared. The panel attorney may consult further with an individual before accepting a case but may not charge a consultation fee. Full-scope representation must commence promptly after acceptance. ECO is a universal representation program which means all individuals are entitled to representation. A panel attorney should decline a case only if there is a conflict or a lack of capacity.

Panel attorneys are required to periodically report on the progress of a case. At the conclusion of the case, a case completion report should be filed with Equity Corps that briefly describes key milestones and outcomes.

PART 5. COMPENSATION

A panel attorney contracted for a case will be compensated by Equity Corps for the full-scope representation at the rate of \$155/hour up to the total maximum compensation amount set forth in the individualized case dossier. Generally, Equity Corps anticipates the compensation range will be \$4,000 to \$10,000. A justification for excess compensation may be made in writing to Equity Corps. In the absence of compelling circumstances, contracted attorneys must avoid permissive withdrawal. Panel attorneys should be able to complete full-scope representation even if the maximum compensation available is expended.

Panel attorneys should submit invoices for services rendered on an hourly basis (or fractional hour) no less than once per month. A detailed invoice in addition to the case completion report will satisfy reporting requirements.

To support the full-scope representation, panel attorneys have reasonable access to:

- Contract interpretation for languages other than Spanish through and paid by the Equity Corps system. Instructions on accessing interpretation services will be provided after case acceptance.
- A client service fund for stipend assistance for expert and forensic evaluations and filing fees, with costs up to \$600 per case reimbursed. If exigent circumstances require more than \$600 per case, and the client cannot pay the additional cost, an exception to the cap can be requested but is not guaranteed. Attorneys will also have access to a free network of mental health and forensic evaluators.
- Templates and practice advisories developed by Equity Corps; and,
- Tactical and technical assistance, if requested and appropriate.