

### ECO Panel Attorney & Accredited Representative Program

<b>RFP#</b>	RFP-OWR-1543-CH
<b>Title</b>	Panel Attorney & Accredited Representative Program
<b>Summary</b>	Equity Corps has established an Attorney & Accredited Representative Panel Program to represent persons eligible for services. Panel attorneys and Accredited Representatives, as known as ECO Providers, will be engaged to provide representation to individuals enrolled with ECO on their immigration cases in order to achieve this goal.
<b>Date Posted</b>	November 1, 2023
<b>Date Effective</b>	November 1, 2023



## **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 or exclusion 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 or civic exclusion on account of immigration status.

Equity Corps has established an Attorney & Accredited Representative Panel Program to represent persons eligible for services. Panel attorneys and accredited representatives, also known as ECO Providers, will be engaged to provide representation to individuals enrolled with ECO on their immigration cases in order to achieve this goal.

## **PART 2. ELIGIBILITY**

In order to be eligible to receive an engagement, 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.

Interested attorneys can register to join the panel via [equitycorps.org](http://equitycorps.org).

In order to be eligible to receive an engagement, an accredited representative must meet the following criteria:

- be in good standing with the U.S. Department of Justice's Recognition & Accreditation program and all federal and state laws regarding the practice of law by non-attorneys. 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 professional liability or malpractice insurance.
- Is employed in good standing with a recognized agency which is also an organizational member of Oregon Worker Relief in good standing and has attested to having access to all necessary law libraries, policies and protocols recommended by Oregon Worker Relief;
- 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.
- has continued to maintain current knowledge about immigration law and practice;
- is able to research, prepare, and present written and oral arguments on behalf of immigrants beyond the filing of generic or canned letters 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.
- has practiced immigration law for at least five years before the immigration authorities or is practicing under the supervision of a lawyer with at least five years or is an active member of the OWR Technical Assistance program; and also has a substantial amount of that time before the immigration courts if the matter is a removal defense matter.
- for defensive representation, 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.

Interested accredited representatives can register to join via [equitycorps.org](http://equitycorps.org)

### **PART 3. SCOPE OF WORK & ANCILLARY SUPPORT**

Eligible providers will be offered the opportunity to enter into a contract to provide representation to individuals enrolled in Equity Corps of Oregon. Generally, providers will be referred matters with specific deliverables. In order to meet the requirements of the engagement, providers must vigorously pursue representation of their client(s), as described below.

A “case” refers to an immigration matter with a single respondent or a lead respondent or applicant, 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).

“Ethical Rules” refers to the Oregon Rules of Professional Conduct and the EOIR Grounds for Sanctions at 8 C.F.R. §1003.102, regardless whether a provider is an attorney licensed in Oregon, an attorney licensed in a different jurisdiction or an accredited representative.

A “matter” refers to and only to the immigration matter described in the ECO engagement letter.

“Defensive Representation” means the provision of legal assistance and representation reasonably required by the circumstances of each individual case and in compliance with the Ethical Rules for individuals in removal or removal-related proceedings (such as expedited removal, credible fear, reasonable fear) that apply to a case until there is an immigration judge disposition that dismisses, terminates, or administratively closes the case. It applies to all forms of relief, whether filed with the court or a different adjudicative body such as USCIS. When consistent with the client’s desires and appropriate to the particular case, defensive representation 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 permitted under most engagements. We anticipate that most cases taken under these engagements will require trial representation. Attorneys must abide by the Ethical Rules; and without limitation, attorneys must meet their client duties of competence, diligence, communication, loyalty, and the safeguarding of property. Engaged 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 and 8 C.F.R. § 1003.17(b). Individuals shall not be charged fees for the provision of legal services within the meaning of the engagement. Engaged 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 attorney's 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.

"Affirmative Representation" means the provision of legal assistance and representation reasonably required by the circumstances of each individual case and in compliance with the Ethical Rules for individuals to an individual who is not in removal proceedings. When consistent with the client's desires and appropriate to the particular case, affirmative representation will include representation before USCIS, DHS, the State Department's Consular Section or passport offices, and other immigration-related agencies as well as state court proceedings for Special Immigrant Juvenile predicate orders, expungements, and similar proceedings as applicable and appropriate. Affirmative Representation may also include limited-scope representation outside of immigration court for individuals in immigration court proceedings where appropriate. Limited-scope representation creates an attorney-client relationship during the scope of the work. Within the scope of the limited representation, a panel attorney will provide legal assistance and representation reasonably required by the circumstances of each individual case and in compliance with the Ethical Rules and, without limitation, will meet their client duties of competence, diligence, communication, loyalty, and the safeguarding of property. The panel attorney will apply best practices at all times in the delivery of affirmative legal services including the initiation and conclusion of affirmative legal services. Panel 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 scope of the affirmative representation engagement .

To support the Defensive and Affirmative Representation programs, providers 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 \$800 per case reimbursed. If exigent circumstances require more than \$800 per case, and the client cannot pay the additional cost, an exception to the cap can be requested but is not guaranteed.
- Templates and practice advisories developed by Equity Corps; and,
- Tactical and technical assistance, if requested and appropriate.

#### **PART 4. PANEL**

All providers will be assigned to a Defensive Representation panel and, if they request, may also be assigned to an Affirmative Representation panel. A panel is an administrative mechanism for apportioning case referrals. Partially accredited representatives will only be assigned to an Affirmative Representation panel.

**Defensive Representation Panels.** ECO will convene panels periodically for referrals. Referrals are non-mandatory. Subject to conflict checks, panel attorneys are expected to accept referrals for representation and commence representation promptly thereafter and generally no later than 7-days after engagement. ECO is a universal representation program which means all individuals are entitled to Court representation. A panel attorney should



decline a Court referral only if there is a conflict or if the attorney lacks capacity.

**Affirmative Representation Panels.** Providers who wish to participate in the Affirmative Representation program must participate in the Defensive Representation program, with the exception of partially accredited representatives. Subject to conflict checks, providers are expected to accept referrals for affirmative representation and commence representation promptly thereafter and generally no later than 7-days after engagement. ECO strives to refer affirmative engagements where meritorious affirmative claims are present, even if challenging.

## **PART 5. REPORTING**

Matters will be referred through an engagement letter which contains a summary of the objectives and required deliverables. Representation must commence promptly after acceptance and generally no later than 7-days after engagement. Failure to commence representation promptly after acceptance may result in the termination of the engagement and removal from the panel.

Providers are required to periodically report on the progress of a matter. At the conclusion of the matter, a matter completion report may be required to be filed with Equity Corps that briefly describes key deliverables and outcomes.

## **PART 6. COMPENSATION**

**Defensive Representation.** A panel attorney engaged for a case for Defensive Representation will be compensated by Equity Corps for the representation at the rate of \$210/hour up to the total maximum compensation amount set forth in the engagement letter. The initial hour spent on a new engagement may be compensated at \$300. Generally, Equity Corps anticipates the compensation range will be \$4,000 to \$12,000. A justification for excess





compensation may be made in writing to Equity Corps. In the absence of compelling circumstances, engaged attorneys must avoid permissive withdrawal. Panel attorneys should be able to complete Court Representation even if the maximum compensation available is expended and without additional compensation from the client.

**Affirmative Representation.** A provider engaged for a case for Affirmative Representation will be compensated by Equity Corps for the representation at the rate of \$164/hour up to the total maximum compensation amount set forth in the engagement letter. The initial hour spent on a new engagement may be compensated at \$200. A justification for excess compensation may be made in writing to Equity Corps. In the absence of compelling circumstances, engaged attorneys must avoid permissive withdrawal. Panel attorneys should be able to complete affirmative representation even if the maximum compensation available is expended and without additional compensation from the client.

**Specialist Representation.** A panel attorney, but not an accredited representative, may apply for a specialist rate that provides a 25% increase in the Defensive or Affirmative Representation rate after the initial hour. To be eligible, the panel attorney must demonstrate either a recognition by a state bar as a specialist or demonstrate practice in the field of immigration and nationality law for at least ten years. A specialist designation applies only if the engagement letter so indicates and it may not be available in all engagements even where the provider is so qualified. Accordingly, the Specialist Defensive Representation rate is \$262.50/hour and the Specialist Affirmative Representation rate is \$205/hour.

**Accredited Representatives.** A partially accredited representative engaged for a case for Affirmative Representation will be compensated by Equity Corps for the representation at the rate of \$65/hour up to the total maximum compensation amount set forth in the engagement letter. A fully accredited



representative engaged for a case for Affirmative Representation will be compensated at \$85/hour up to the total maximum compensation. A fully accredited representative engaged for Defensive Representation will be compensated at \$110/hour up to the total maximum compensation. There are no initial hour rates. A justification for excess compensation may be made in writing to Equity Corps. In the absence of compelling circumstances, engaged attorneys must avoid permissive withdrawal. Panel attorneys should be able to complete affirmative representation even if the maximum compensation available is expended and without additional compensation from the client.

**Invoices.** Providers should submit detailed invoices for services rendered on an hourly basis (or .25 fractional hour) no less than once per month. A detailed invoice in addition to the case completion report will satisfy reporting requirements.

**Payment.** Providers are encouraged to register for ACH to facilitate payment. Generally, payment is made within 7-days of verifying an invoice. All invoices are subject to the terms of the engagement letter which incorporates the ECO Authorization to Bill against the Legal Services Fund.

## **PART 7. FAQ**

### **Equity Corps of Oregon**

*Q. What is ECO?*

Equity Corps of Oregon is a universal representation program based on the core belief that every eligible Oregonian should be able to defend against an unjust or unfair deportation or defeat a civic exclusion on account of immigration status. Panel attorneys and accredited representatives will be engaged to provide immigration services for those experiencing a civic exclusion or threat of deportation on account of immigration status.

*Q. Who is eligible for ECO?*



An Oregon resident who otherwise would be unrepresented and whose household income is less than 200% of the federal poverty guidelines and is either at risk of removal or suffering a civic exclusion on account of their immigration status.

*Q. What services does ECO provide?*

ECO provides access to legal services, limited assistance with filing fees and ancillary costs, interpretation, and limited support through community-based navigation.

*Q. How do I become an ECO Panel Attorney?*

You can use the online application and registration form at [equitycorps.org/panel\\_attorney](https://equitycorps.org/panel_attorney). Alternatively, you can email [clearinghouse@equitycorps.org](mailto:clearinghouse@equitycorps.org) with your resume and a short statement explaining your eligibility to be a panel attorney.

### **Panel Referrals**

*Q. What kind of cases can I expect will be referred to me?*

For the Court program, cases will be referred for individuals that are before the Immigration Court. For the Affirmative program, matters are referred for affirmative benefits applications, discrete components of a matter or other types of work outside of immigration court.

*Q. What are the reasons I can use to decline a referral?*

Generally, you should only decline a Court referral if you lack the capacity or there is a conflict of interest. ECO is a universal representation program which means all individuals are entitled to Court representation.

*Q. Can I decline a case if I don't think the judge will grant it?*



No. ECO is a universal representation program which means all individuals are entitled to representation. A provider should decline a referral only if there is a conflict or a lack of capacity.

*Q. If I am on a panel, do I have to take a case?*

No. Referrals are non-mandatory. ECO is a universal representation program which means all individuals are entitled to Court representation. A provider should decline a Court referral only if there is a conflict or a lack of capacity. In order to participate in the Affirmative representation program, providers must actively participate in the Defensive program, except for partially accredited representatives.

*Q. How does the panel referral process work?*

ECO currently makes referrals each month. Each panel attorney is assigned an order in the rotation.

ECO picks a date each month as the referral date (which serves as the placement conference). About a week before the referral date, we notify the attorneys who are next in order in the rotation who could likely receive a referral to verify capacity, we also provide key milestone information and an estimation of the work involved. When the referral is sent it contains information to complete conflict checks. The panel attorney is expected to complete the conflict checks by the next day and, in the absence of a conflict, accept the referral and promptly begin representation.

*Q. Are referrals outside the panel process made?*

Yes, where the circumstances indicate an immediate referral is necessary.

## **Representation**

*Q. What should I do if I identify additional or different relief available to my client outside the scope of the affirmative referral?*



Panel attorneys and accredited representatives are the attorney or representative in the matter and the affirmative scope does not limit any duties the attorney or representative may owe to their client. The engagement letter between ECO and the provider relates only to compensation. If the client is indigent and remains otherwise eligible for ECO, the provider may seek an additional engagement letter, an extension of the existing engagement letter, or a modification of the existing engagement letter by emailing [clearinghouse@equitycorps.org](mailto:clearinghouse@equitycorps.org) with an explanation describing the request.

*Q. Who is the lawyer in the matter?*

The panel attorney is the lawyer for the matter. The accredited representative is the representative for the matter. ECO is a universal representation program. Innovation Law Lab acts as a Clearinghouse for the ECO program and, in this function, it does not provide, and has not, provided legal services in the matters referred. The referral information is based on our review of the records the individual has shared with us. Suggested guidance should not be taken as definitive and all information should be verified independently by the provider.

*Q. After I begin representation, what are the reasons I can use to terminate representation?*

In the absence of compelling circumstances, engaged attorneys must avoid permissive withdrawal for Defensive or Affirmative engagements. Panel attorneys should be able to complete representation even if the maximum compensation available is expended. For Defensive engagements, ECO operates as a universal representation program which means all individuals are entitled to Defensive representation where appropriate.



*Q. If I am a Seattle/Tacoma-based attorney engaged in representation for a detained client at NWDC and the client is released from detention and returns to Oregon, may I withdraw?*

Yes, provided the withdrawal conforms with all ethical and court-imposed rules. The client file should be delivered promptly to the client and the clearinghouse.

## **Compensation**

*Q. What is the rate for Defensive representation?*

A panel attorney contracted for a case for full-scope representation will be compensated by Equity Corps for the Court representation at the rate of \$210/hour up to the total maximum compensation amount set forth in the engagement letter. The initial hour spent on a new engagement may be compensated at \$300 if permitted by the engagement letter. Accredited representatives should refer to the guidance above.

*Q. What is the rate for Affirmative representation?*

A panel attorney engaged for a case for Affirmative representation will be compensated by Equity Corps for the limited-scope representation at the rate of \$164/hour up to the total maximum compensation amount set forth in the engagement letter. The initial hour spent on a new engagement may be compensated at \$200 if permitted by the engagement letter. Accredited representatives should refer to the guidance above.

*Q. If I am currently an engaged panel attorney, which compensation rate applies?*

A panel attorney engaged for representation should use the Guidelines in effect at the time of representation. In other words, hours should be billed at the rate of the original contract until the effective date of the rate increase; time spent on the case after that date may be billed at the new rate. The



maximum compensation will not automatically be adjusted; however, panel attorneys approaching the maximum compensation may email the clearinghouse to seek excess compensation.

*Q. Can I use a fixed-fee or flat rate?*

No. Panel attorneys should submit invoices for services rendered on an hourly basis (or .25 fractional hour) no less than once per month.

*Q. How do you determine the maximum compensation?*

The maximum compensation is based on a peer-review of the case posture, the state of the record, the legal background, and the preparation work involved. It is intended to represent a working attorney's standard so that the universal representation program is guided by continually evolving best practices informed by stakeholders and centering the lived experience of the community. Equity Corps incorporates the actual time spent on a matter to inform future time estimates. The time-estimate, the scope and the maximum compensation do not prescribe or limit how the attorney's representation must occur. There may be additional or different relief or eligibility than described in the scope. The engaged attorney must abide by the Ethical Rules; and without limitation meet their client duties of competence, diligence, communication, loyalty, and the safeguarding of property and abide by their clients' objectives, which may necessarily involve the protection and preservation of their clients' rights to fair and appropriate adjudication of the issues presented.

*Q. If the case concludes prior to reaching the maximum compensation, can I collect the difference?*

No. Only actual time spent is compensable.

*Q. If additional funds are needed beyond the maximum compensation, what do I do?*



Email [clearinghouse@equitycorps.org](mailto:clearinghouse@equitycorps.org) as soon as you believe that the actual time spent on the case will exceed the maximum compensation.

*Q. Can I charge the client the difference between my hourly fee and the ECO compensation?*

No. The client may not be charged for services within the scope of the panel engagement.

### **Billing**

*Q. Can I bill for work completed prior to executing the ECO engagement letter?*

No. Only work completed after the engagement letter is issued and executed may be billed to ECO.

*Q. Can I bill ECO for work outside the scope of the engagement letter?*

No. Only work within the scope is compensated by ECO. NB: this does not limit your ability to perform work outside the scope. The Ethical Rules and your engagement with your client govern the representation.

*Q. If it is not clear if a task or act of representation is within the scope of the engagement letter, what should I do?*

Ask! Email [clearinghouse@equitycorps.org](mailto:clearinghouse@equitycorps.org).

*Q. Can I bill for paralegal time?*

Yes, provided that the paralegal work complies with all Ethical Rules including the disclosure that the work was performed by a paralegal to the client and on invoices. ECO generally follows the [ABA Model Guidelines for the Utilization of Paralegal Services](#) (2018) to the extent they are not inconsistent with Oregon's rules. Only work which is considered legal representation is compensable under the ECO panel program. If you are in doubt, email [clearinghouse@equitycorps.org](mailto:clearinghouse@equitycorps.org).





*Q. Can I bill for copying, printing, and postage?*

Yes, generally. Only reasonable direct, actual hard costs may be billed. You should have good documentation to support copying, printing and postage. For copying and printing, ECO will generally reimburse per page at \$.20. For overnight deliveries, ECO will generally reimburse provided there is a showing of diligence. That is, if you waited or procrastinated and thus made the overnight necessary, ECO may deny the cost. Reasonable costs for commercial printing of briefs will be covered. Receipts are necessary for all postage, overnight, and commercial printing. For printing and copying costs, your invoice should clearly show dates and the category of documents copied or printed. Remember, all invoices are subject to review and auditing.

*Q. Can I bill for travel?*

No, generally. ECO will not reimburse for travel time, wait time or travel expenses. Generally, ECO refers matters to local attorneys who have experience and knowledge in the immigration court or detention center that is local to the area. If long distance travel is required in a case, email the clearinghouse to make the case for travel. In certain situations, where an ECO participant has chosen a qualified provider and where disclosure is made in advance, the lawyer may charge reasonable travel expenses to the ECO participants but may not charge travel time. All costs charged to the participant must also be disclosed to the ECO Clearinghouse.

*Q. How is payment made?*

ECO prefers electronic payments. Old-school checks are possible, too..

*Q. How do I submit my invoice?*

ECO has template invoices available for use. Submit your invoice via email to [innovationlawlab@bill.com](mailto:innovationlawlab@bill.com). Invoices are subject to verification. ECO strives to make payment within 7-10 business days.



## **Enrolling in ECO**

*Q. How do people enroll in ECO?*

Oregonians who are income-eligible and who are in danger of removal or experiencing a civic exclusion on account of immigration status may enroll in ECO. To enroll, individuals should visit [equitycorps.org](http://equitycorps.org) for more information or contact the ECO Call Center. ECO works with highly trained community-based navigators to support individuals during the enrollment process. Once an individual is enrolled, the individual is eligible for services, provided they maintain eligibility. New, extended, expanded, or modified engagements for enrolled individuals will not require a new navigation. An individual may be required to demonstrate on-going income eligibility or residence eligibility.

*Q. Can I refer a current client for whom I am providing defensive representation to ECO?*

Yes. Providers have access to a referral mechanism. Not every referral may be accepted and all individuals must be eligible for ECO. Providers who submit referrals for current cases agree to receive a referral for another case from ECO. We call this the refer one/take one policy. The policy enables the program to achieve a universal approach in representation. Providers should not refuse a referral made the refer one/take one policy except for conflict reasons or direct scheduling conflicts.