

## ECO Panel Attorney & Accredited Representative Program

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|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RFP#</b>           | RFP-OWR-1543-CH                                                                                                                                                                                    |
| <b>Title</b>          | Notice of Proposed Revision to Panel Attorney & Accredited Representative Program                                                                                                                  |
| <b>Summary</b>        | Equity Corps has established an Attorney & Accredited Representative Panel Program to represent persons eligible for services. The revision makes changes to the compensation rates for providers. |
| <b>Date Posted</b>    | July 26, 2024                                                                                                                                                                                      |
| <b>Date Effective</b> | Guidance effective September 2, 2024                                                                                                                                                               |



## **PART 1. OVERVIEW**

On November 1, 2023, the RFP related to the Panel Attorney & Accredited Representative program was published. The November 2023 revisions made changes to the program by introducing for the first time, eligibility criteria for Accredited Representatives and, separately, created a specialist rate for immigration representation for panel attorneys. Since its publication, comments have been received and the program has been analyzed. Based on feedback and analysis, the program's compensation rates for attorneys were out of step with current market rates and failed to fully account for the changes during an attorney's career. One of the goals of the program is to expand the number of lawyers providing immigration legal services and create an attractive, sustainable career path. Feedback expressed that the dividing line between affirmative and defensive work was not always clear and the same work by the same attorney for a different client could be compensated differently because of the posture of the case. Thus the rate was not relevant to the actual effort. Attorneys with substantial experience were not incentivized to participate in the program because they could find affirmative work for higher rates and the spread between the market average hourly rate and the ECO rate was too far to justify participation, even with the additional benefits already incorporated into ECO's unified payer-system. Accordingly, an analysis was conducted that looked at the compensation rates.

## **PART 2. COMPENSATION ANALYSIS**

Different attorney rates in Oregon were collected and analyzed. Using this comparison chart, the most recent data indicates the market rate average hourly for an immigration lawyer is \$268/hour. This rate conforms with rates



charged by the Oregon Department of Justice for lawyers whose role is to seek and obtain justice, similar to the role of panel attorneys and fellows in ECO. Likewise, the rate tracks the national rates established by the American Immigration Lawyers Association. The AILA Marketplace study provides a helpful framework for gradations between experience levels, which average between 10% and 15%. For the revised compensation chart, the \$268 hour rate is used as the benchmark for Tier 3, a lawyer with 5 to 10 years of experience. This is below the Oregon average for all lawyers with similar years of practice (\$321) yet it provides a sustainable and meaningful compensation rate for the profession engaged in public service.

| Source                                                        | Description                                         | Rate  |
|---------------------------------------------------------------|-----------------------------------------------------|-------|
| Oregon Public Defense Services (Sept 28, 2023)                | Non-capital offense, other                          | \$130 |
| Oregon Public Defense Services (Sept 28, 2023)                | Capital offense, felony, Ballot Measure 11          | \$145 |
| Oregon Dept of Justice, Legal Rate Model (2023–2025 biennium) | Attorneys, average rate                             | \$275 |
| Clio 2023 Legal Trends Report                                 | Average hourly, all lawyers                         | \$255 |
| Clio 2023 Legal Trends Report                                 | Average hourly, all immigration lawyers             | \$268 |
| Clio 2023 Legal Trends Report                                 | Average Non-lawyer (paralegal)                      | \$133 |
| AILA 2022 Marketplace Study                                   | Average, 1-2 years of practice, immigration lawyers | \$245 |
| AILA 2022 Marketplace Study                                   | Average 3-5 years of practice, immigration lawyers  | \$265 |



|                                       |                                                      |       |
|---------------------------------------|------------------------------------------------------|-------|
| AILA 2022 Marketplace Study           | Average 6-10 years of practice, immigration lawyers  | \$295 |
| AILA 2022 Marketplace Study           | Average 11-15 years of practice, Immigration lawyers | \$322 |
| Oregon State Bar Economic Survey 2022 | Average 0-3 years of practice, all lawyers           | \$273 |
| Oregon State Bar Economic Survey 2022 | Average 4-6 years of practice, all lawyers           | \$285 |
| Oregon State Bar Economic Survey 2022 | Average 7-9 years of practice, all lawyers           | \$308 |
| Oregon State Bar Economic Survey 2022 | Average 10-12 years of practice, all lawyers         | \$334 |
| Oregon State Bar Economic Survey 2022 | Average Administrative law                           | \$331 |



## Appendix

Engaged providers may bill in 10 minute increments for work conducted. The hourly rate is determined by years of experience. For panel attorneys, attorney membership in AILA is used to determine experience. If a panel attorney is not a member of AILA, the rate is set as a fellow, regardless of length of practice. Paralegal work is separately accounted for and not included within the Representative rate. Only legal work is compensable. Rates are benchmarked at Tier 3 using Oregon Legal Trends average hourly rate for immigration lawyers with 15% variation above and below.

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### Panel Attorneys

| Tier | Years of Experience                    | Rate/hr |
|------|----------------------------------------|---------|
| 1    | Fellow, 0 – 2 years                    | \$194   |
| 2    | More than 2 years & less than 5 years  | \$228   |
| 3    | More than 5 years & less than 10 years | \$268   |
| 4    | More than 10 years                     | \$308   |
| P    | Paralegal                              | \$133   |

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### Accredited Representatives

| Years of Experience                 | Rate/hour |
|-------------------------------------|-----------|
| Partially Accredited                | \$85      |
| Fully Accredited, 0-5 years         | \$133     |
| Fully Accredited, More than 5 years | \$152     |