

ECO Clinic Program

RFP#	RFP-OWR-1543-CLINIC
Title	ECO Clinic Program
Summary	Equity Corps has established an ECO Clinic Program to represent persons eligible for services. Eligible organizations may be designated as ECO Clinics to provide representation to individuals enrolled with ECO on their immigration cases in order to achieve this goal of representation.
Date Posted	
Date Effective	



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 or accredited representative and support services for every eligible Oregonian at risk of removal or civic exclusion on account of immigration status.

Equity Corps has established an ECO Clinic Program to meet important immigration legal needs of Oregonians eligible for services. Eligible organizations may apply for and receive a designation as an ECO Clinical provider to offer immigration representation to individuals enrolled in ECO in order to achieve this goal of representation.

PART 2. ELIGIBILITY

In order to be eligible to receive a designation, an organization must meet the following criteria:

- Be a member in good standing with Oregon Worker Relief;
- Have received at least one ECO Capacitation Grant for Community-Based Legal Services Infrastructure Development ("ECO Capacity Grant");
- Have adopted policies and protocols under the ECO Capacity Grant to provide legal services;
- Can demonstrate compliance with specific policies and protocols to provide legal services required under the ECO Capacity Grant;
- Be recognized by the U.S. Department of Justice under 8 C.F.R. § 1292.11 as an organization eligible to provide representation through



accredited representatives who appear on behalf of clients before the Immigration Courts, the Board of Immigration Appeals, and the Department of Homeland Security; and

- Employ attorneys or accredited representatives registered with the ECO Panel Attorney and Accredited Representative Program.

PART 3. DESIGNATION

Eligible organizations will be offered the opportunity to apply for an ECO Clinic designation to provide representation to individuals enrolled in Equity Corps of Oregon through the ECO Clinic program. Generally, organizations will be referred matters with specific deliverables. In order to meet the requirements of the program, providers must pursue representation of their client(s).

Organizations that have received an ECO Capacity grant should contact the grant point of contact to begin the application process for being designated as an ECO Clinic.

PART 4. DESIGNATION

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

“Standards and Guidelines” refers to the Oregon State Bar’s Legal Services Program, Immigration Practice and Performance Standards and Guidelines, last published & revised February 2023.

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

“Limited-Scope Representation” means legal representation up to and including the successful submission of an application, petition, or request but does not include representation through adjudication.



“Full-Scope Representation” means legal representation up to and including the adjudication of an application, petition, or request.

PART 5. ECO CLINIC PROVIDER EXPECTATIONS

All designated ECO Clinics will receive referrals to provide immigration legal services to individuals enrolled in ECO. Referrals are transmitted through the ECO Provider Portal. Case management must be completed in accordance with the Standards and Guidelines using the unified ECO case management system.

Clinical & Full-Service models. Clinics provide full-scope representation and limited-scope representation in immigration matters but clinics are not full-service providers because they do not service all case types. The clinical model is focused on a pre-defined case type where legal services are delivered in a particular manner. A full-service provider provides legal services across a whole range of case types and delivers legal services in variable manners. A clinic may serve and satisfy all of a client’s immigration legal needs but when those needs are complicated, complex, or lengthy, clinics provide a method for delivering important legal services effectively until a full-service provider is available.

Referrals. ECO’s Clearinghouse issues referrals to providers to carry on the work of providing legal representation to ECO eligible Oregonians. A referral is an authorization to bill ECO for the legal representation. A referral does *not* dictate how the lawyer or representative provides representation and does not limit in any fashion the scope of representation. Referrals are composed of a scope, a maximum compensation or maximum billable hour allocation, and a suggested provider. ECO Clinics are prohibited from charging the individual a fee for representation covered by the referral. The maximum compensation or hourly allocation is listed in the referral. The maximums are 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 Equity Corps of Oregon is guided by continually evolving best practices informed by stakeholders and centering the lived experience of the community. Equity Corps of Oregon incorporates the actual time spent on matters to inform future maximums. The maximums and the scope do not prescribe or limit how the attorney's representation must occur. A provider must accept or decline a referral. A referral is automatically declined if the provider fails to act on the referral within 1 business day of transmission. Denials are publicly reported and are provided to the enrolled individual.

Scopes. The scope of a referral is recommended following a needs assessment. The recommendation includes a description of the deliverables and the work suggested to be performed to serve both immediate, urgent needs as well as prepare a case for future work that may be necessary to achieve the client's objectives. Recommendations are made based on the best available information. The ECO clearinghouse does not provide legal advice or mandate what the lawyer or representative must do on behalf of the referred client. Rather, the ECO clearinghouse provides thoughtful recommendations and it is up to the lawyer or representative to exercise independent judgment to determine the exact scope. Generally, clinical work scopes are defined so that the case work can be completed after a single clinical appointment with a client. Clinical referrals generally come with a default workflow. Consistent with the standards and guidelines, lawyers providing clinical work must exercise their independent judgment at all times because they are the legal representatives on the case for the scope of work.

Clinical Day. Clinical work is defined by the clinical day. The clinical day is the day the client appears for an appointment. Generally, case work begins prior to the clinical day (for example, preparing applications and assembling work product) and concludes on the clinical day. The appointment can be in



person or virtual. At the end of the clinical day, all case work should be completed, including data entry. In contrast to case work, case maintenance will occur after the clinical day. Case maintenance generally involves administrative and clerical work such as filing, mailing, and data processing; it also includes brief client contacts and maintaining client awareness of the case. Case maintenance carries over and may occur over time. Case maintenance includes submission (mailing, delivery, and similar), copying, keeping the client informed of progress through brief messages or interactions, and data entry. Legal services should be consolidated into the clinical day so that if a client needs a follow-up service, the matter should be docketed for a follow-up clinic.

Clinical providers should not carry casework over to the next day. Case work should conclude at the end of the clinical day. If a case requires more assistance than can be accommodated in the clinical setting, the client should be referred to an ECO Full-Service provider.

Dual Providers. ECO recommends that contracted organizations create both a clinical and a full-service unit. ECO provides funding for full-service units through the Panel Attorney/Accredited Representative program and the Oregon State Bar provides funding through a separate request for proposal process. Importantly, for the clinical provider, the clinic and the full-service unit are separate and capacity is measured separately. A clinical provider can often refer a complex matter to its full-service unit. For example, the local community-based organization (CBO) operates an ECO Clinic each week, serving approximately 15 cases at each clinic. The CBO has staff dedicated to the clinic and maintains clinical cases in the unified ECO case management platform. The local CBO also has separate staff time dedicated to providing full-service representation. A client whose case no longer fits the clinical setting can maintain continuity with their legal team in dual provider settings. It is a good practice, but it is not a required practice. The local CBO could



initiate an ECO Clinical practice to learn and build capacity and then later open a full-service unit. Likewise, a local CBO may find that the clinical setting serves most of its constituent's needs and has only the occasional referral for full-service representation which can be accommodated through the overall ECO system.

Engagements. A referral becomes an engagement once the referral is accepted by the provider. Through an engagement, providers agree that during the course of this engagement, the provider will not charge the individual(s) for legal services within the described referral. There may be additional or different relief or eligibility than described in above. The engaged attorney must abide by the Rules of Professional Conduct. The attorney must, 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. Representation must commence promptly after acceptance and generally no later than 72-hours after engagement. Failure to commence representation promptly after acceptance may result in the termination of the engagement.

Providers are required to manage cases consistent with established workflows and Standards and Guidelines in the unified ECO case management system which shall satisfy all reporting obligations.

Clearinghouse limited role. Innovation Law Lab acts as a clearinghouse for the ECO program and, in this role, does not, and has not, provided legal services to referred individuals. Any referral information provided by Innovation Law Lab is based on a review of the records the individual has shared with Law Lab. Suggested guidance should not be taken as definitive and all information should be verified independently by the provider. The ECO Clearinghouse does not provide legal services; its role is to manage overall



system capacity to create a culture of yes. In other words, the Clearinghouse seeks to manage capacity so that as many people can be served as possible. It uses objective criteria to manage capacity and to prioritize the most urgent cases in the system.

Prioritization and Capacity. ECO Clinics should select cases based on a universal representation principle. Priority Referrals should be declined only for conflicts or lack of capacity. An ECO clinic should maintain 2 types of capacity: capacity for Priority Referrals and capacity for Follow-up and Focus Referrals.

Priority Referrals. Each ECO Clinic has reserved capacity for priority referrals. Priority referrals are made by the ECO clearinghouse using universal representation principles. At least monthly, and often more frequently, ECO will send priority referrals. The exact schedule will be determined in consultation with the ECO Clearinghouse. There are 4 priority categories: Detained, Imminent, Dispositive, and Important. Priority referrals are made based on several criteria, including client preference, geography, and the expertise and skills of the possible clinical provider.

Follow-Up Services. Once a client's case has been accepted by a clinic, follow-up services should also take place at the same clinic. Follow-up services do not require a separate referral if it is part of the same case. If the follow up service would create a new case, a new referral is required.

Focus Referrals. Focus referrals are clinic-initiated referrals that serve a particular geographic area or culturally-specific group. These referrals are within the discretion, under certain parameters, of the clinic to manage. These are clinic-initiated referrals that serve a particular geographic area or culturally-specific group. A fixed percentage of objectively measured capacity is available for focus referrals.



Branding & Outreach. ECO Clinics must use the ECO logo and outreach must indicate that the clinic is conducted through the ECO program. Terms and conditions for the use of the ECO logo apply. The organization may also co-brand using its own logo.

PART 6. CLINICAL MODELS

Clinical case types are determined by the ECO Clearinghouse. A list of current clinical case types is included in the appendix, which may be modified from time to time. An organization must select a model from one of the available ECO clinical models.

Open Clinic. An open clinic offers service to all clinical case types.

Asylum Clinic. An asylum clinic offers service limited to limited-scope I589 filings.

Prioritized Clinic. A Prioritized Clinic requires a priority referral from the clearinghouse; there are no focus referrals. A prioritized clinic can be open or asylum.

Hybrid Clinic. A Hybrid Clinic requires the ECO Clinic to reserve up to 85% of capacity for priority referrals from the clearinghouse. Capacity not reserved for priority referrals are managed as Focus Referrals. The exact amount of capacity reserved is determined in consultation with the ECO Clearinghouse.

PART 7. REPORTING & COMPENSATION

Compensation is governed by the Panel Attorney and Accredited Representative Program. Clinical referrals will seldom receive permission to exceed the hourly or compensation maximums set forth in the engagements because of their time-limited nature. Where a provider believes an exception is required, the provider must also explain why the matter was not previously surfaced as a referral to a full-service provider.



Invoices. Through the ECO Provider Portal, providers should submit detailed invoices for services rendered on a .25 fractional hour no less than once per month.

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 8. 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.

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.

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 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 ongoing income or residence eligibility.

Clinical Referrals

Q. What kind of cases can I expect will be referred to our clinic?

Clinical referrals are limited to the case types that appear in the appendix.

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

Generally, you should only decline a 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 representation.

Q. Does the clinic have to take a case?

No. Referrals are non-mandatory. However, a clinic should decline a referral only if there is a conflict or a lack of capacity. Denials are publicly reported. A clinic with a high denial rate might lose its clinic designation.

Q. How does the clinical referral process work?

ECO currently makes referrals every two weeks, generally. The exact referral schedule changes from time to time. There is a regular meeting with all the clinical team leads that helps inform the schedule.

Representation



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

You are the representative in the matter and the clinical scope does not limit any duties the attorney or representative may owe to their client. The engagement 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 with an explanation describing the request.

A best practice for clinics is to note the additional relief and make a referral to a full-service provider.

Q. What are the best practices for an ECO Clinic?

All ECO Clinics will apply best practices at all times in the development of policies, protocols, and systems for the delivery of immigration legal services. The policies, protocols, and systems above describe the minimum necessary. The ECO Clinic will be provided written protocols, templates, checklists, and guides at no cost to the organization. All ECO Clinics will have access to, at no cost, attorney technical support for legal & case questions. ECO Clinics will have access, at no cost, to an “attorney of the day” advisor for peer review, troubleshooting, and other case assistance.

Q. Who is the lawyer in the matter?

The clinical attorney is the lawyer for the matter. The accredited representative is the representative for the matter. Innovation Law Lab acts as a Clearinghouse for the ECO program and, in this function, it does not provide 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.

Compensation

Q. What is the rate for representation?

The Panel Attorney and Accredited Representative program guidance governs compensation.

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.

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 Clinic program. If you are in doubt, email 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. How is payment made?

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

Q. How do I submit my invoice?

Invoices should be submitted through the ECO Provider Portal. Invoices are subject to verification. ECO strives to make payment within 7-10 business days.

Appendix

Summary of key clinical case types.

A limited-scope referral does not include suggestion for the entry of an appearance form G-28 or E-28, but does include the suggestion (as required by the regulations) for the entry of an E-61 when filing with EOIR. A full-scope referral includes the suggestion to file a G-28 or E-28. The provider is responsible for complying with all ethical and legal rules related to the provision of legal services.

Limited Scope	- Affirmative form I-589 - Defensive form I-589 - EOIR Motion to Change Venue - EOIR Motion to Continue - EOIR Motion to Reopen - Requests for ICE Prosecutorial Discretion - Affirmative form I-90 - Brief contacts, Screenings, and Long Term - Options analysis
Full Scope	- Affirmative form I-765 - Affirmative form I-821 - Affirmative form I-821d - Affirmative form I-131 (Advance Parole) - Records requests through FOIA - EOIR Motion to Reopen - Affirmative form I-918 U-Visa Certification request - Affirmative form I-90 - Brief contacts, screenings, and questions presented.