

ECO Panel Attorney & Accredited Representative Program

Title	Panel Attorney & Accredited Representative Program
Summary	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.
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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 immigration legal 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

Attorneys. 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.
- Be barred in the State of Oregon; or have a physical office in the state of Oregon; attorneys who are eligible for the program but do not meet this requirement may be referred detained cases located in the state in which they are barred and/or have a physical office.
- 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; or, if less than five years, is an active participant in the ECO technical assistance program, a designated OWR Immigrant Justice Fellow during the fellowship program; or, is supervised by an attorney with at least five years of experience.
- 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 <https://equitycorps.org>.

Accredited Representatives. 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 affirmatively disclosed and 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 spent a substantial amount of that time practicing 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 <https://equitycorps.org>

PART 3. SCOPE OF WORK & ANCILLARY SUPPORT



Eligible providers will be offered the opportunity to enter into an engagement 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.

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 consistent with the client’s desires and appropriate to the particular case and the Standards and Guidelines. 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.



“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.

“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.

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 may be available but is not guaranteed; funding is limited with priority granted to requests from detained individuals and individuals experiencing significant housing instability.
- 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 Non-Detained and Detained panel for court representation and, if they request, may also be assigned to additional panels. Although panel composition may change to fit the circumstances, generally ECO maintains panels for different types of cases, including affirmative work, and various geographic panels.

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 a referral for Court representation for their individual



hearing. A panel attorney should decline a referral for Court representation *only* if there is a conflict or if the attorney lacks capacity.

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; detained engagements should commence immediately. 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

Compensation is set forth in the Appendix. A panel attorney or accredited representative engaged for a case will be compensated by Equity Corps for the representation up to the total maximum set forth in the engagement letter. A justification for excess compensation may be made in writing to Equity Corps. In the absence of compelling circumstances, engaged representatives must avoid permissive withdrawal. Representatives should be able to complete the case even if the maximum compensation available is expended and without seeking additional compensation from the client.

Invoices. Providers should submit detailed invoices for services rendered on an hourly basis (or 10 minute increments) no less than once per month. A detailed invoice in addition to the case completion report will satisfy reporting requirements. Activity Codes are provided for the convenience of the panelists and are strongly encouraged as they facilitate rapid payment.



Payment. Providers are encouraged to register for ACH to facilitate payment. Generally, payment is made within 7-days of verifying an invoice. Invoices are reviewed monthly. 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 <https://equitycorps.org>



Panel Referrals

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

Panelists can expect any type of referral across the whole range of immigration and nationality law including, for example, removal defense, naturalization, DACA, federal litigation, appeals, family-based petitions, TPS. Panel referrals are made only when the service is unavailable through an ECO Clinic. For example, Panelists can expect that rapid response, detained matters and non-detained court representation will be transmitted regularly because these services are not provided through the ECO Clinic program. A list of services available through the ECO Clinic network is available at the ECO website.

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 Defensive 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 a referral for defensive representation. A provider should decline a defensive referral only if there is a conflict or a lack of capacity.

Representation



Q. What should I do if I identify additional or different relief available to my client outside the scope of the existing 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. All requests must be made through the ECO Provider Portal.

When the service is available through an ECO Clinic, requests for a referral are likely to be declined. Where the request relates to the same lawyer for the same client on a matter substantially-related to an existing, open engagement currently funded by ECO, ECO may approve it even though the service is provided through an ECO Clinic. A declined request for a referral speaks only to funding; ECO is not involved in the formation of the attorney-client relationship.

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 engagements. Panel attorneys should be able to complete representation even if the maximum compensation available is expended. For removal defense engagements, ECO operates as a universal representation program which means all individuals are entitled to 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.

Q. If I am a provider engaged in representation for a detained client and the client is transferred to a different detention center, may I withdraw?

No, panelists are expected to continue representation through the conclusion of the matter. Detained cases take time and, because of the unjust nature of the DHS detention system, can create challenges for representation, including remote and no-notice transfers. If the form and manner of the transfer impede the ability to provide representation consistent with ethical guidelines, a panelist may withdraw provided that the withdrawal is also consistent with the ethical guidelines.

Client Services Fund

Q. What costs are covered by the Client Services Fund?

The Client Services Fund covers reasonable and documented costs for Postage & Printing, Records Requests (including background checks, medical records, and criminal records) and non-Spanish Interpretation and translation. The Client Services Fund does not cover (a) filing fees; unless the



ECO member is detained or, in certain circumstances, experiencing houselessness; or (b) travel. Only reasonable costs are covered; excessive costs are not covered and will not be reimbursed. Excessive costs may include overnight mailings when standard mailing was or could have been used. If you are seeking coverage for interpretation or translation where the cost could likely exceed \$200, pre-approval is required. Fee waivers must be attempted wherever possible.

Compensation

Q. What is the compensation rate for representation?

Compensation is provided for in the Compensation chart that appears in the appendix.

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 10 minute increments) 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 time is needed beyond the maximum, what do I do?

Make a request through the ECO Provider Portal as soon as you believe that the actual time spent on the case will exceed the maximum. Requests submitted *after* the maximum has been exceeded are unlikely to be approved. ECO endeavors to approve reasonable requests for additional time when appropriate.

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.



Q. If ECO terminates the engagement prior to completion of the case or does not renew the engagement after its expiration, can I continue to represent the client?

Yes. Engagements do not impact your attorney-client relationship and are independent of those relationships. You are strongly encouraged to continue representation. The termination or expiration of an engagement means ECO will not provide funding for work done after that date. Attorneys are reminded of ethical obligations that prevent billing for work already paid under an engagement. See *In re Howard*, 304 Or. 193, 210 (1987) (the lawyer-client relationship “must be characterized by fairness, honesty and good faith”).

Q. Can I bill for waiting time?

Yes. However, to bill for waiting time you may not be engaged in doing work for another client. Keep in mind Rule 1.5(a) and (b). The Oregon Bar has a Formal Opinion, No. 2005-170, that discusses double billing. Of course, while you are waiting you can do work for other clients, you just cannot double bill ECO for the time.

Billing

Q. Can I bill for work completed prior to the effective date on the executed ECO engagement letter?

No. Only work completed after the effective date on the engagement letter, as 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. The compensation rate for paralegals is provided. Only paralegal work that 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.

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 time?

Yes, in very limited circumstances. ECO will not reimburse for travel time or travel costs as a general matter.

ECO's general rule of thumb is that if travel is *required by a court* (for example, at a hearing the court orders only in-person appearances), panelists who travel more than 60 miles from their office to the location, will be approved to bill for travel time. If travel is not required by a court, the



panelist will have to demonstrate the need for travel and why other options are not available or viable. Even then, not all travel time will be reimbursed; providers may bill up to 2 hours per required appearance for travel time against existing engagements. Panelists may request additional travel time with adequate justification. ECO does not generally cover the cost of travel, but only in exceptional or unusual circumstances. Keep in mind that double-billing constitutes an ethical violation so billing for travel time means you cannot engage in other work while traveling. ECO does not fund travel costs or travel time for full or limited-scope detained custody representation (bond).

Q. How is payment made?

ECO makes electronic payments.

Q. How do I submit my invoice?

ECO has template invoices available for use. Submit your invoice via the provider portal for fastest payment. Invoices are subject to verification. ECO strives to make payment within 7-10 business days after invoice verification. Invoices are reviewed and verified monthly. Providers cannot submit invoices for work that exceeds the scope or the authorized hours.

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 on-going income eligibility or residence eligibility.

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

Yes. All individuals must be eligible for and be enrolled in ECO. Recall that referrals for panel engagements are issued generally only when the service is unavailable through an ECO Clinic.



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.

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

Accredited Representatives

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