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ADDENDUM NUMBER TWO

REQUEST FOR STATEMENT OF QUALIFICATIONS

NO. *RFSQ-PD-2024-001*

Issued by *the Los Angeles County Public Defender*

For As Needed Legal Immigration Representation Services

This Addendum Number Two to the Request for Statement of Qualification (RFSQ) No. RFSQ-PD-2024-001 (RFSQ), issued by the Los Angeles County Public Defender on June 24, 2024, provides as follows:

Please click here to access the recording and resources discussed during the Proposer's Conference.

QUESTIONS AND RESPONSES

The following are the responses to questions submitted in response to the Proposer's Conference held on Tuesday, November 19, 2024:

1. **Question:**
   How many hours do they anticipate the Lead Attorney will actually work on a weekly or annual basis?

   Response:
   The actual number of hours will be disclosed in the Work Order Solicitation that will be sent to all proposers who are both deemed eligible, and who also have a valid Master Agreement. We anticipate the first Work Order Solicitation that will be released will be for a minimum of 30 hours per week for a potential three-year term.

2. **Question:**
   Can the Lead Attorney continue their own private practice in addition to contract work?

Response:
Yes, the Lead Attorney and Attorney will be able to continue their own respective private practices as long as they are able to fulfill the requirements of the Work Order.

3. **Question:**
What are the duties of the Lead Attorney vs. the Immigration Attorney?

Response:
Per section 2.4 of the RFSQ, specific tasks and deliverables will be determined when the Department requests Work Order Proposals/Bids, and requests for Work Order Proposals/Bids shall specify the subcategory of work requested. However, the department anticipates that the first Work Order will indicate that the Lead Attorney's duties are the same as that of the attorney's. In addition, the Lead Attorney's responsibilities will also include co-supervising the attorney's work with our Immigration Team, maintaining statistical data, and having a greater role in training and supervising the attorney, paralegal, and law fellows.

4. **Question:**
Is there a term period for the position?

Response:
The term of the Master Agreement is three (3) years, with the possibility of two (2) additional one-year extension option periods for a total of five (5) years. The Work Order Solicitation will outline the actual period of work for the specific work that is being requested. We anticipate the first Work Order will be released for a three-year period.

5. **Question:**
Can people licensed outside of CA apply/be considered?

Response:
Section 2.1, Scope of Work, of the RFSQ indicates services shall include providing "removal defense representation in immigration courts and…post-conviction relief in state courts for persons facing or at risk of facing removal from the United States in a California Immigration Court due to an arrest or conviction in the Los Angeles County criminal legal system." Therefore, an active membership with the State Bar of California is required to provide post-conviction relief in state courts.

6. **Question:**
How much work do we expect to be able to provide?

Response:

We anticipate the first Work Order Solicitation will be between 30-40 hours per week. The actual work will be disclosed in the Work Order Solicitation.

7. **<u>Question:</u>**
Is it based on availability?

<u>Response:</u>
The issuance of Work Orders will be based on service needs, and the term will be mentioned in the Work Order Solicitation.

8. **<u>Question:</u>**
Our capacity to take on removal defense is limited but we are wondering if there might be an opportunity under this RFSQ to focus on affirmative relief for the survivor community impacted by the criminal system?

<u>Response:</u>
Yes, we are looking at this through a broad lens, as long as the client meets the eligibility criteria of being an indigent individual who is impacted by either a criminal prosecution or law enforcement arrest and who is therefore facing removal proceedings or is at risk of facing removal proceedings, then they qualify for our services. To the extent that those clients may also be entitled to affirmative relief based upon their survivorship conditions, then we look forward to developing those opportunities for relief. But we must not exclude the primary goal of the removal defense team's purpose, which is to help people facing, or at risk of facing, removal proceedings.

9. **<u>Question:</u>**
What are the requirements for the scope of representation? For example, the immigration attorney consults with the client, reviews their options and determines that the client does not have any defense to removal – will the attorney be required to accept the case? Will the attorney be required to file a "bogus" application for relief that wouldn't be successful?

<u>Response:</u>
As step one in selecting clients for immigration services representation, Public Defender Immigration Unit personnel or the contract attorney would screen for eligibility for potential representation. The proposed eligibility criteria are consistent with existing non-immigration criteria for public defender representation. In order to qualify for immigration services advocacy and representation, a person (1) must have experienced an arrest or criminal conviction in Los Angeles County; (2) be indigent; (3) be without access to pro-bono counsel; (4) be without access to court-appointed counsel; and (5) be facially eligible under applicable statutes and regulations for (a) immigration relief or (b) an immigration benefit. An example of immigration relief is an affirmative deportation defense, such as cancellation of removal. An example of an immigration benefit is the special immigrant juvenile

status (SIJS). If a person does not meet each criterion, then the Public Defender will decline representation.

10. **Question:**
A removal case can last years, what is the expectation of the attorney with regards to cases that are not completed/resolved by the end of the contract terms? Are they expected to keep them, does the Public Defender (PD) office keep them?

Response:
It is yet to be determined who will keep these cases as this is a new project with the development of new practices. For cases that are still open upon the end of the contract (after three (3) years with two (2) additional one-year extension option periods), we will assess and determine who will keep the cases. However, the funding for this project would conclude at the end of the contract term, and the case would either come to the PD or be referred elsewhere.

11. **Question:**
Are there any requirements for the cases that are referred? For example, must be in removal, must be PD client, etc. and is there a cap on how many cases will be referred?

Response:
No, there is no requirement for the person to be in removal proceedings at the time they reach out to us, or when we do the screening. This is a program that is targeting individuals who have been impacted by the criminal legal system in Los Angeles County because there has been an arrest or a conviction and are therefore at risk of, or are currently in, removal proceedings. They do not have to be a PD client. There will not be a cap on how many cases that will be referred. You will be working collectively with the different leaders of the Immigration Unit, including the Head Deputy, Deputy-In-Charge, and Assistant Public Defender. We will make decisions on the cases that we are going to prioritize. Once we reach our capacity as a unit, we may not be able to accept additional cases. In terms of prioritizing cases, this is a decision that we will make jointly and collectively with the Immigration Unit and the Lead Attorney and Attorney.

12. **Question:**
You mentioned that sole proprietors or corporate entities are welcome to apply. Functionally, as a person working in a small firm (a three-attorney firm), how does that work to 1) evaluate credentials and 2) accept responsibilities for referred cases? Are you willing to consider one contract for the firm, and those attorneys who meet the Minimum Mandatory Requirements (MMRs) to work on the referred cases together? Or would it be one attorney that was evaluated from the firm, then that one attorney must be the one who works and bills these cases without other people in the firm structure touching the cases?

Response:

Even though the firm may be applying, the individual attorneys who work for the firm providing the work should meet the MMRs individually rather than collectively. Any attorney who works on the contract would need to meet the MMRs and provide evidence of the credentials required.

13. **Question:**
In theory, any number of attorneys in a firm that meets the qualification for a Lead Immigration Attorney would still be required to apply to both Lead Attorney and Attorney positions, or could multiple attorneys be co-applicants in one entity for one Lead position (as an example). To better clarify my question, you are soliciting applications for contract positions for others with practices already. Suppose there are 30 hours of work per week. In that case, it seems more practical to split the work amongst the qualified attorneys within the firm and integrate it into the existing structure rather than for one attorney with significant practice to take on additional work.

Response:
It is possible from a contracting perspective. For the Statement of Qualifications (SOQ) submission, the business will submit a resume for the individuals that would qualify, in order to document that the individuals meet the minimum requirements. When the Work Order Solicitation is released, it will specifically say if they are looking for a Lead Attorney or specific work that is needed or if it is just an Attorney position. At that point, those individual attorneys from the same firm, will provide the requested information depending on whether they qualify for the Lead Attorney position or the Attorney position.

We want a Lead Attorney for example, who has more experience and can do specific tasks, to include training and working with our law fellows in the removal defense team. This is an attorney with sufficient capacity, knowledge, and experience to be able to address, and to incorporate, additional tasks beyond basic client representation. Everyone from your firm who applies for Lead Attorney needs to have the capacity to incorporate, lead, teach, instruct and evaluate work.

Operationally, a Lead Attorney who is tasked with supervising other members of the removal defense team may find it difficult as a leader to share the responsibilities of the "line" attorneys while also supervising those attorneys as well. The responsibilities of the Attorney may be more suited to that position, rather than the Lead.

14. **Question:**
Is there going to be one Lead Attorney and multiple immigration lawyers? How many positions are you looking for?

Response:
This is an as-needed Request for Statement of Qualifications. The anticipated first Work Order Solicitation will be one Lead Attorney, one Attorney, and one

Paralegal. There may be an opportunity for more work to come from this Request for Statement of Qualifications. By submitting your SOQ, it deems you eligible for work as it becomes available.

15. <u>Question:</u>

Will there be an interpreter available, as a majority of clients who are in need of immigration process or post-conviction relief are Spanish speaking?

<u>Response:</u>

Interpretation services will be available when the team is dealing with clients who have been referred to removal defense.

16. <u>Question:</u>

Is there a final deadline to submit the documents?

<u>Response:</u>

Currently, it is open-continuous. You can submit the SOQ at any time. There is no hard deadline. We will have the RFSQ open for at least three years throughout the term of the Master Agreement. We ask you to submit the SOQ as soon as possible, as we want to move forward with the RFSQ sooner rather than later.

17. <u>Question:</u>

Will we be able to use our own office staff, who do speak Spanish, for interpretation. If we can use our own staff even if we don’t expect them to be paid?

<u>Response:</u>

This may be an issue, as this contract only pays for Lead Attorney, Attorney, and Paralegal; there is no way to compensate you for using your own interpreter for work under this contract. In addition, we want to ensure the level of translation is accurate and that the person providing the translation for our client is part of this project and also meets the minimum requirements regarding accuracy of translation for legal terms. We would need to determine minimum standards in terms of translation in order to allow for language access for everyone who is involved.

18. <u>Question:</u>

Will this position be an in-office position, hybrid, or remote?

<u>Response:</u>

The goal is to embed the removal defense services within our Immigration Unit. In-person is an option that would work for us. However, we understand that it may not be workable for everyone. We can access the technology of Microsoft Teams meetings to meet with teams to discuss referrals and coordinate cases and development. With the assistance of technology, it can be hybrid.

19. **Question:**
The 30 hours per week for one person?

Response:
That is the expectation of the work which will be offered through the Work Order Solicitation. We anticipate the volume of work will be at a minimum of 30 hours per week per person or if it is through a business. But that will be the volume throughout the term of the contract.

20. **Question:**
Currently, there is no hard deadline for submission as this is on a rolling basis. Operationally, is there an anticipated time when you would like to have these roles filled to start this representation project, assuming qualified candidates?

Response:
We want to start at the beginning of 2025.