

THE KERSHAW LAW FIRM, PC

A PROFESSIONAL CORPORATION

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KEVIN LASHUS, OF COUNSEL

Retainer Agreement

This Retainer Agreement is for the purpose of obtaining representation by the Kershaw Law Firm, PC for your company during the 2017/2018 H2B visa season. This Retainer Agreement constitutes the entire agreement between the Kershaw Law Firm, PC and your company and replaces any other agreements, whether written or verbal. Any changes to this Retainer Agreement must be in writing and signed by the Kershaw Law Firm, PC and your company.

The Kershaw Law Firm agrees to advise and represent your company during the process of applying for H2B visas during the 2017/2018 H2B visa season. The Kershaw Law Firm also agrees to prepare and file all necessary DOL Forms including, as needed, ETA 9155, ETA 9141 and ETA 9142 with supporting documentation, as well as to prepare and file USCIS Form I-129 with supporting documentation with the United States Citizenship and Immigration Service. The scope of Services for which the Kershaw Law Firm is being retained is complete once final determination is received from USCIS/DHS. Though we do not handle foreign recruitment and visa processing at US Consulates abroad, we will assist our clients with advice concerning foreign recruitment and US Consular processing of their H2B visa workers. Also, fees for foreign recruitment and visa processing are not a part of this agreement.

Your company agrees:

1. To pay legal fees as follows:

- a) In advance: \$3,800.00 in full*, paid with this Retainer Agreement. The first \$2,600.00 of this amount is a non-refundable “true retainer” to secure the availability of the Kershaw Law Firm, PC for the 2017/2018 H2B visa season, and is earned when the Kershaw Law Firm agrees to representation by signing this Retainer Agreement. The remaining amount is deposited in a trust account until earned and is divided into three payments: \$400.00 of which is earned and paid out upon drafting of the ETA 9141; \$400.00 of which is earned and paid out upon drafting of the ETA 9142; and the remaining \$400.00 of which is earned and paid out upon drafting of the I-129

There will also be a \$250.00 non-refundable flat fee for postage, FedEx, and administrative fees.

***Above retainer and fees does not include:** required newspaper ads, U. S. recruitment costs, USCIS petition and premium processing fees (about \$1,835.00), FedEx fees (\$250) foreign recruiting fees, Consular processing fees, nor bus fare and transportation and subsistence costs for H2B workers from their country of origin. The above retainer and fees also does not include audits, investigations, Requests for Evidence (RFE) or appeals, which are negotiated and agreed upon on a case by case basis. All fees to the Kershaw Law Firm, P.C., including postage/Fed Ex fee, must be paid current before work will proceed to the next step. Also not included is the fee for drafting and filing the ETA 9165 Request for Employer Provided Wage Survey and Attestations, which will be an additional \$500.00 fee per ETA 9165 requested (usually not available under current

regulations). Also, not included are changes to already drafted forms after initiation of the application process. If needed, such changed forms by the client will cost an additional \$500.00 per form for ETA 9155, ETA 9141 and I-129.

2. To follow the instructions and directives of the legal staff at the Kershaw Law Firm PC as much as reasonably possible, and
3. To follow all state and federal laws and regulations related to the H2B visa process and employment of H2B visa workers, including wage and hour laws, employment laws, tax withholding, FLSA requirements and minimum prevailing wage requirements.
4. To pay all costs for postage and overnight delivery. Due to the time-sensitive nature of the H2B visa application process, all forms and supporting documentation must be mailed via overnight delivery, both to and from our office.

By signing this agreement, you authorize the Kershaw Law Firm, P.C. to make any necessary changes to any paperwork filed on your behalf. We will give our best efforts in representing your interests in the H2B visa application process. However, we cannot control or predict the timing or outcome of proceedings before any state or federal agencies involved in the H2B visa process.

Employer understands and agrees that any legal services to be performed by the Kershaw Law Firm, P.C. under this agreement may be performed, in part or in whole, by another licensed attorney, but that the cost of such services will not be increased due to the services performed by any such licensed attorney. Liability, however, shall be limited to the licensed attorney performing such services. The Kershaw Law Firm, P.C. attorneys who will be processing your H2B application and related paperwork are Robert D. Kershaw and Kevin Lashus.

TIME IS OF THE ESSENCE: The H2B visa process is a time sensitive process due to the H2B visa cap. Once the cap is reached there are no more visas available that year for those dates. Visas are not guaranteed, though we will make every effort to obtain H2B visas for your company. Effective representation involves client participation. If you will be expeditious in following our directives, then we will expedite our services and should be successful in getting your H2B visas.

SEMINAR, SEMINAR HANDBOOK AND COMPLETED LABOR CERTIFICATION QUESTIONNAIRE. Included in the cost of our services is a free H2B seminar handbook. There will also be an H2B seminar in August (for our clients only) in Austin, at a cost of \$50.00 per attendee. The contents of the seminar handbook are important, and must be read by the client before beginning the application process. The requirement to read the handbook and to submit a complete and accurate Labor Certification Questionnaire are a part of this agreement and the Client Handbook information and the completed Labor Certification Questionnaire are incorporated into this agreement by reference. The completed Labor Certification Questionnaire must be received by the Kershaw Law Firm, P.C. before the application process can begin.

NEW H2B REGULATIONS - DISCLOSURE AND ASSUMPTION OF RISK: The Department of Labor has issued new regulations for the H2B visa program. Many aspects of these

new regulations are still unresolved and there may be new changes or delays due to these new regulations, as well as related lobbying or litigation. AS SUCH, THE CLIENT-EMPLOYER ASSUMES THE RISK OF THESE UNCERTAINTIES AND POSSIBLE CHANGES AS ANY OTHER NORMAL BUSINESS UNCERTAINTY.

Please print, sign and date this Retainer Agreement where indicated, then return the signed agreement to our office with your check payable to the Kershaw Law Firm, PC. Upon receipt we will review the retainer agreement and Labor Certification Questionnaire to determine if representation is appropriate. No checks will be cashed unless representation is agreed to in writing.

Thank you for this opportunity to serve you. Please do not hesitate to call if you have any questions or comments.

AMOUNT TO ACCOMPANY THIS RETAINER IS **\$4,050.00 paid in full**
(\$3,800.00 plus \$250.00 for postage/FedEx and administrative fee)

VALID UNTIL JUNE 30, 2017

AGREEMENT BY:

Signature

Signature

Print: _____

Print: _____

For: _____

For: The Kershaw Law Firm, PC

Date

Date

Email Address

Phone Number