

**W. DAVID ZITZKAT**

*Attorney at Law*

*Practicing Exclusively in Immigration Law Since 1981*

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AVON, CT 06001

**AGREEMENT  
2012**

Herein is our standard office agreement. It should be signed by both the attorney and the client. In the event of a third party payer, the Third Party Payer Supplement should also be signed by both the beneficiary and the third party payer.

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**Fees and Payment**

**Fee Schedule**

**Basic**

The Basic Fee schedule is \$3,300 for the first part. This fee applies to a non- labor certification based employment petition (Alien of Extraordinary Ability (EB-1A), Outstanding Researcher or Professor (EB-1b) or National Interest Waiver (EB-2 NIW)). EB-1A, EB-1B and NIW are called "Direct Petitions." Fees cover one or more Direct Petitions filed within one year, using the same letters. Thus, if a Direct Petition is selected as the alternative, petitioner may elect to file NIW, EB-1A and/or EB-1B. The attorney fee is the same if one, two or three direct petitions are filed. For multiple filings of I-140, it is agreed that all filings will be within a one year period, and will not require reediting of original referee letters. After one year, additional fees will apply.

The basic fee schedule does NOT include filing Appeals or Motions to Reopen or Reconsider. If required, these would be separate, and cost \$1,500 for each such action.

**Inclusive**

The inclusive fee of \$3,600 includes both the original filings as described above, and, in addition, the filing of any necessary appeal or motion to reconsider or motion to reopen. Thus, if an I-140 is denied, and the inclusive fee is selected, the appeal or motion will be filed for no additional attorney fee. Filing fees, in all cases must be paid by the client, as well as out of pocket expenses.

**Non-Refundable Mail Fee**

A non-refundable fee of \$100 must be made with the first payment. This fee covers mailing expenses including ordinary first class, priority and express mail. Choice of what class of mail will be at the discretion of the office.

## Requests for Evidence

Attorney responses to Requests for Evidence (RFEs) are included in both the Basic and the Inclusive rates.

## PERMS

**PERM** is the alternative to Direct Filing petitions. The first part cost of the PERM option is \$3,600. If the PERM option is selected, additional filing of a direct petition will require additional attorney fees. Thus either Direct Filing or PERM can be selected under this agreement, but not both. PERM services provided are consultations with the client to determine best strategy, and development of a legally viable job description, as well as development of a job posting, newspaper ad, and providing advertising instructions. In addition after the client has reviewed applicants for the position, the attorney will provide advice on the response to recruitment letter. Attorney will also file the PERM and interface with the Department of Labor on all issues including prevailing wage, or any other issue raised by the Department of Labor. Request for Reconsideration or BALCA appeal is also included.

## Payment Schedule

It is agreed that the fee for petition for 1. PERM or 2. Direct Petition (EB-1A, EB-1b and/or EB-2 NIW or any combination thereof) is due initially upon signing the agreement as is payment of the mail fee. However, the client may elect to pay this fee in two halves. . The first half \$1,650 or \$1,800) to be **paid prior to beginning the paperwork** and the second half is **to be paid in two months or upon filing of paperwork to the DOL/CIS, which ever is first.**

This fee includes:

For Direct Petitions:

Attorney assistance in preparation of referee letters, attorney writing of cover letter, filing of petition(s), and, if and only if this office files the I-485(s) for the client, one extension beyond the original filing of EAD and AP, as necessary. Additional filings of EAD or AP will cost an additional \$250 each.

For PERM:

Preparation and filing of labor certification (PERM) for client. Responding to Audit.

Client, in addition to legal and mail fees, must pay any other out of pocket costs.

## Second Part

The basic or inclusive fee does not include payment of fees for the second half of the

proceedings for the application for permanent residency (and in the PERM cases for the I-140 filing as well.) The second part fee is an additional \$1,000.00 for the principal alien and \$500.00 for each additional family member up to a maximum total of \$2,000 if the spouse and child(ren) are in the U.S. and filing with principal alien. If spouse and/or child(ren) are out of the U.S., additional fees will apply.

Filing of the I-485 through this office will include one EAD and AP filing while the case is pending.

### **Filing I-140 and I-485 Concurrently**

Attorney fees for the I-485 (Second Part) are due prior to the beginning of paperwork if the client elects to have our office file the second part. Of course, filing fees are also due before filing.

None of the above fees include out of pocket expenses (other than mail) or filing fees necessary for all applications.

**Refunds:**

Since we are charging fixed fees and not hourly fees, the client generally saves considerably. In the event the client wishes a refund, deductions from the amount paid will be made as follows:

Time spent by Attorney Zitzkat will be billed at \$300 per hour.

Time spent by Attorney Zitzkat's Assistants will be billed at \$150 per hour.

Proprietary material, such as specimen letters sent to the client are agreed by both parties to have a value of One Thousand Eight Hundred Dollars (\$1,800). In the event the letters have been sent to the client, both parties agree that the amount of \$1,800 will have been earned and will not be refunded. If one of the I-140 petitions is ready to be filed, it is agreed by both parties that the entire first part of the fee has been earned, and will not be refunded.

For PERM cases, development of the job description, ad development and obtaining the prevailing wage are agreed to have the value of the first part of the fee (\$1,800). If this work has been done, both parties agree that the amount of \$1,800 will have been earned and will not be refunded. If the PERM petition is ready to be filed, it is agreed by both parties that the entire first part of the fee has been earned and will not be refunded.

When the client requests a refund, that is the only time the hourly rates or values of proprietary materials or preparation of a case for filing will be taken into consideration. If no refund is requested, the fees are fixed, as stated under FEES AND PAYMENT.

\_\_\_\_\_  
Signature of Company Representative or Client

\_\_\_\_\_  
W. David Zitzkat - Attorney at Law

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

### **Third Party Payer Supplement**

A third party payer situation exists when the person paying the attorney fees and the person benefiting from the petition are different. Generally this happens when a company or university sponsors, and pays for an employee.

Please be aware that potential conflicts of interest could arise during the course of representation, which could result in Attorney Zitzkat being forced to either withdraw from representation, or to get permission of both the third party payer and the beneficiary in order to continue. Potential conflicts in 3<sup>rd</sup> party payer situations can occur when the payer changes his mind about the payment, or the amount of payment, continuing the client's employment, changing job duties, doing advertising, if necessary, following Federal Regulations concerning advertising or other requirements such as posting of salary, when necessary, paying fees for spouse or children,

When such a conflict of interest occurs, Attorney Zitzkat must disclose this conflict to both parties, and obtain the written permission of both parties to continue representation. If such permission cannot be obtained, Attorney Zitzkat may be forced to withdraw representation from both parties.

I understand the nature of conflicts that might arise where there the beneficiary of the immigration process is not also the person paying for the services. I understand that should such a conflict arise, Attorney Zitzkat may be required to withdraw from the case.

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Beneficiary of Process

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Third Party Payer