



**U.S. Department of Justice**

United States Attorney's Office  
Eastern District of Michigan

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Chief Justice Robert P. Young  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, Michigan 48909

Dear Chief Justice Young:

I am writing in response to the Court's request for comments on the proposed amendments to Rule 1.5 of the Michigan Rules of Professional Conduct.

It appears that one of the proposals under consideration—"Alternative B"—might inadvertently allow "enhanced fees" to be used in criminal cases. This seems to be more of a scrivener's error, rather than something the drafters intended.

I would therefore ask that you change the proposed language in Alternative B to specify that enhanced fees are permissible only in divorce cases—and not also in criminal cases. This would amend the proposed language in Alternative B as follows:

(d) A lawyer shall not enter into an arrangement for, charge, or collect a contingent fee in a domestic relations matter or in a criminal matter. An attorney and client may consent in writing to an "enhanced fee" in a domestic relations matter-ease, which may take into consideration the results obtained for a client, provided that such a fee is "reasonable" considering all the factors set forth in MRPC 1.5(a) and is agreed to by attorney and client.

Sincerely,

A handwritten signature in cursive script, reading "Barbara L. McQuade", is positioned above the typed name.

Barbara L. McQuade  
United States Attorney  
Eastern District of Michigan