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April 27, 2015

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Michigan Supreme Court
Clerk's Office
P.O. Box 30052
Lansing, MI 48909

Re: Comments and Proposals Related to Proposed Amendments to
MRPC 1.5 (Admin File 2013-38)

To the Michigan Supreme Court:

My name is Jerry Cavellier. I am a fulltime family law attorney and Senior Partner in charge of the Domestic Relations section at Hertz Schram, PC in Bloomfield Hills, Michigan. I have served as the Chair and Vice Chair of the Family Law Committee of the Oakland County Bar Association and I am an Adjunct Professor at Western Michigan University, Thomas M. Cooley College of Law, where I teach family law. The purpose of this letter is to communicate my opposition to the proposed amendment to MRPC 1.5.

When a client retains a lawyer to perform a service, particularly one whose practice is focused on a specific area of law, i.e. family law, the client deserves the highest level of competence. Divorce is one of the most traumatic events a person can experience in life. Conversely, when a lawyer who focuses his/her practice on one area of law and has dedicated their career to family law, the lawyer is entitled to be sufficiently compensated particularly in complex matters.

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Michigan Supreme Court

April 25, 2015

The current rule MRPC 1.5 (a) (4), contemplates result obtained fees as follows:

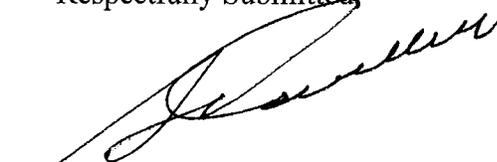
“The factors to be considered in determining reasonableness of a fee include:
(4) the amount involved and the results obtained.”

The amount of time involved in any given matter is but one part of one of the eight enumerated factors in MRPC 1.5.

I do not believe that the Attorney Grievance Commission has any business, nor standing, to interfere with the contractual relations of parties and their lawyers. Result obtained fees are permitted to be charged in other areas of law, including business, real estate, employment, and personal injury. Why is matrimonial law being singled out and precluded from charging a result obtained fee? Whenever a result obtained fee is charged at the end of a case, it is an agreed upon fee between a lawyer and a client, with perfect hindsight of the outcome and representation. The client is in a far superior position to determine the value of the lawyers services at the end of the case then he/she was at the beginning of the case.

The proposed amendment to MRPC 1.5 is a solution in search of a problem!

Respectfully Submitted,



Gerald P. Cavellier (P54753)

GPC/kg