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

Re: ADM File No. 2010-07 - Proposed Amendment to Rule 1.5 of the Michigan Rules of Professional Conduct

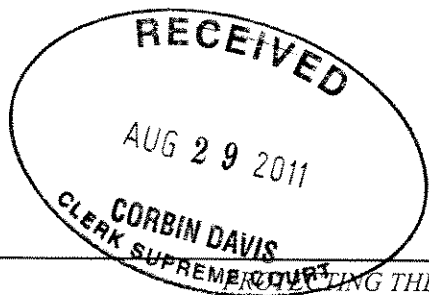
Dear Supreme Court Clerk:

The Proposed Amendment to Rule 1.5 of the Michigan Rules of Professional Conduct would limit referral fees to 25%, require attorneys to disclose these fees to their clients, and obtain their clients' written approval of the fee distribution. I oppose this Proposed Amendment because it violates the notion of freedom to contract and because it penalizes lawyers who recognize others may be better suited to handle a particular case.

The freedom of competent parties to enter voluntary agreements is a fundamental principle of Michigan law. When the contracting parties are lawyers – sophisticated professionals who are well-trained in their legal and ethical obligations – this axiom is especially appropriate. Indeed, the Rule as it currently stands has worked quite well. The Court need not expend judicial resources to resolve a problem that does not exist.

The Proposed Amendment is likely to have the opposite of its intended effect. The current Rule allows attorneys to freely refer cases to lawyers better suited to the unique contours of each particular case. The Proposed Amendment would impose a pecuniary disincentive on lawyers who seek to serve the client's best interest by referring the client to a lawyer with more expertise in that area of the law. In other words, the Proposed Amendment would give lawyers a reason to put their fee interests ahead of the client's interests.

The Proposed Amendment unreasonably burdens a lawyer's freedom to contract with another lawyer, addresses a problem that does not exist, and fails to serve the best interests of those in need of legal services. For these reasons, I would respectfully ask the Supreme Court to reject these changes.



Very truly yours,
CHURCHWYBLE, P.C.


David S. Mittleman