

# Order

Michigan Supreme Court  
Lansing, Michigan

November 6, 2013

Robert P. Young, Jr.,  
Chief Justice

147718

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

In re TIMOTHY T. FRYHOFF

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ATTORNEY GRIEVANCE COMMISSION,  
Petitioner.

SC: 147718

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On order of the Court, the petition for injunction pursuant to MCR 9.108(E)(4) is considered, and it is DENIED. In lieu of granting the relief requested, we invite the Attorney Grievance Commission to file with the Court its proposal for amending the Michigan Rules of Professional Conduct so as to clarify the status of attorney fee provisions such as that utilized by the attorney who is the subject of the petition for injunction. The issues are whether the use of a “results obtained” or “value added” provision in the calculation of attorney fees in a divorce case makes the fee “contingent” and thus impermissible under MRPC 1.5(d), and if so, whether the rules should be amended to permit such fee provisions under certain conditions.

The State Bar Family Law Council and Standing Committee on Professional Ethics are also invited to file proposed rule amendments addressing the issue presented.



s1030

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 6, 2013

  
Clerk