

Committee Opinion  
October 23, 1984

LEGAL ETHICS OPINION 588

CONTINGENT FEES – DOMESTIC  
RELATIONS

It is not improper for an attorney to represent a client on a contingent fee basis for the collection of child support arrearage when the 1971 divorce decree incorporated a child support agreement, both the client and her former spouse have remarried, the children of the marriage are now 17 and 18 years of age, one child visits frequently with the former spouse, the other child visits infrequently, the arrearage amounts to \$50,000.00, and the Client is unable to pay even a modest retainer fee, provided the relationship between the former spouse and the children will not be undermined, no other fee arrangement is practical and the agreed upon fee basis is fair and reasonable under the circumstances.  
[Formal LE Op. 189, LE Op. 405]

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**Legal Ethics Committee Notes.** – Rule 1.5(d)(1) and Comment [3a] codify the circumstances in which lawyers may handle family law matters on a contingent fee basis.