STATE OF MAINE  
BOARD OF OVERSEERS OF THE BAR  

Fee Arbitration Commission, Panel 1B  

Johnny R. Richards  
Petitioner  
v.  
William D. Maselli, Esq.  
Respondent  

FAC# 18-391  

AWARD AND DETERMINATION  

A hearing in the above matter was held on June 14, 2019, in Portland, Maine before a duly authorized Fee Arbitration Panel of the Fee Arbitration Commission of the Board of Overseers of the Bar. This Panel was designated to hear the controversy existing between the above-named parties as set forth in the Petitioner’s Petition. The members of this Panel were Chair Steven E. Cope, Esq.; Zachary I. Greenfield, Esq.; and public member Kirk Francis Miklavic. The Petitioner was present and testified. The Respondent was present and testified. Other than the original petition filed by the Petitioner, the original response by the Respondent, and a supplemental response submitted by the Respondent by letter dated June 3, 2019, no additional written evidence was presented. Based upon the evidence introduced, the Panel finds as follows:  

There was a written fee agreement with respect to the fees for services rendered in connection with certain criminal matters which are the subject of this action. The Petitioner has paid Respondent $17,350 for legal fees and costs associated with these matters. Respondent claims that the value of the services provided exceeds the amount of fees paid; however, Respondent stated that he is not seeking any fees beyond the amount paid. At the hearing, the Petitioner claimed he is entitled to a refund in an amount which exceeds the amount paid by the Petitioner to the Respondent.  

Measuring the findings with the factors set forth in Rules 1.5 of the Rules of Professional Conduct, the Panel finds that Petitioner has not carried his burden to show that the amount of $17,350 in fees and costs are unreasonable. Therefore, the Petitioner’s petition is denied.  

1 Respondent provided services in connection with certain civil matters. At the hearing, the parties acknowledged that there is no dispute with respect to the services provided or the reasonableness of the fees charged or paid in connection with these civil matters. Consequently, the scope of this arbitration is limited to the reasonableness of the fees charged and paid with respect to the criminal matters.
In order to preserve the confidentiality of the written materials and the testimony submitted at the hearing, the findings of fact and conclusions are not set forth in the Award and Determination. This Award and Determination is accompanied, however, by a separate supplemental document which sets forth the findings of facts and conclusions of the Panel. By ruling of the Chair, the attached supplemental document shall not be considered part of the award, which is a public document. In accordance with Maine Bar Rule 7(h), the supplemental document shall be confidential and shall not be open to the public or disclosed to any person except as otherwise set forth in Maine Bar Rule 7(h).

The Award and Determination is in full settlement of all claims submitted to the Arbitration Panel.

The undersigned have subscribed to this award on July 9, 2019

[Signature]

Steven E. Cope, Esq.
Chair, Panel 1B
Fee Arbitration Commission