STATE OF MAINE
BOARD OF OVERSEERS OF THE BAR

Fee Arbitration Commission

David J. Richard
Petitioner

v.

Thomas S. Carey, Esq.
Respondent

AWARD AND DETERMINATION

The undersigned constitutes a duly authorized Fee Arbitration Panel of the Fee Arbitration Commission of the Board of Overseers of the Bar. This Panel was designed to hear the controversy existing between the above named parties as set forth in the Petitioner's Petition. A hearing was held on October 17, 2013, at Augusta, Maine. The Petitioner testified by phone. The Respondent appeared and also testified. Based upon the evidence introduced, the Panel finds as follows:

There was a written fee agreement that governed the representation involved in the Petition. The fee agreement called for hourly rates billing plus costs and interest on any unpaid balances. The Respondent billed the Petitioner a total of $15,936.68 for fees, costs, and interest. The Petitioner has paid $10,574.84 leaving a balance due of $5,485.09 including $123.25 in interest. The Panel finds that a reasonable fee for this matter is $12,403.20 thus resulting in an award to the Respondent of $1,828.36.

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 9(j), 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 9(j).

The Award and Determination is in full settlement of all claims submitted to the Arbitration Panel.
IN WITNESS WHEREOF, the undersigned has subscribed to this award on November 6, 2013.

Daniel J. Stevens, Esq.

Christopher L. Mann, Esq.

Cathy A. DeMerchant