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 September 19, 2013 at Augusta, Maine. The Petitioner was present and testified. The Respondent also appeared and testified. Based upon the evidence introduced, the Panel finds as follows:

There were two written fee agreements that relate to the Petitioner’s fee dispute with the Respondent. One agreement (a flat fee agreement) was approved and signed by the Petitioner. The other agreement (a contingency fee agreement) was not approved or signed by the Petitioner. The Respondent has been paid a total of $6,187.50 for his services to Petitioner $3,000 by Petitioner and $3,187.50 by the adversary school district. The Panel finds that a reasonable fee for his services (given, among other things, the language of the flat fee agreement and the summary form of the legal bill) is $3,000.00. The Panel hereby enters an award against the Respondent in the sum of $3,187.50.

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 October 17, 2013.

Daniel J. Stevens, Esq.

Cathy A. DeMerchant

Michael J. Levey, Esq.