STATE OF MAINE
BOARD OF OVERSEERS OF THE BAR

Fee Arbitration Commission

FAC# 12-398

Tennie Margaret Shardlow, Petitioner, )
 )
v. )
Brian D. Condon, Jr., 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 February 21, 2013, at Augusta, Maine. The Petitioner and the Respondent were present and testified and Petitioner submitted additional exhibits, which were placed of record with the Commission.

Based upon the prior submissions, testimony and the evidence introduced, the Panel finds that the outstanding retainer due Respondent of $945.00 is unreasonable and shall not be collected from the Petitioner, pursuant to Rule 1.5 of the Rules of Professional Conduct.

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 have subscribed to this award on March 5, 2013.

Cathy A. DeMerchant

Michael J. Levey, Esq.

Christopher L. Mann, Chair.