The undersigned, constituting a duly authorized Fee Arbitration Panel of the Fee Arbitration Commission of the Board of Overseers of the Bar, having been designated to hear the controversy existing between the above-named parties in accordance with the provisions of the Petitioner’s Petition and the Respondent’s Reply, and after hearings before the Panel on April 18, 2013, in Portland, Maine at which evidence was submitted and argument heard, and after considering the evidence and the argument, the Panel finds as follows:

Respondent Banda’s Motion to strike his name from the Petition is hereby GRANTED. Attorney Banda signed the Retainer Agreement for Daniel G. Lilly Law Offices, P.A. but not as a principal. He was only an employee of the Daniel G. Lilly Law Offices, P.A. He was not paid the sums in dispute and has no liability for reimbursement of fees to the extent they are deemed unreasonable.

As to Respondent Lilley, Petitioners’ claim for a refund of fees is granted in part. Respondent Lilley shall refund $1,000 in fees to Petitioner Christopher T. Brichetto and his mother, Stacey Brichetto, jointly as the evidence establishes that the sums paid Respondent Lilly were paid by the Petitioners’ mother for the benefit of Petitioner.

In order to preserve the confidentiality of 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 fact 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 this Arbitration Panel.

Dated this 26th day of April, 2013

Rufus E. Brown, Esq.
Panel Chair

Michael B. Reynolds
Panel Member

Daniel J. Mitchell, Esq.
Panel Member