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 August 20, 2013, at Augusta, Maine. The Petitioner appeared with her husband Frank Rapp and testified. The Respondent appeared, with her father, James E. Mitchell, Esq. and both testified. Based upon the testimony and the evidence introduced, the Panel finds as follows:

The parties acknowledge and the panel so finds that a written fee agreement governed the representation involved in the Petition. The fee agreement was drafted for a guardianship matter, but the subject of the guardianship died, and the representation progressed into a probate matter. The agreement provided for a retainer of $5,000, that Respondent (who was to be the primary attorney) would bill at a rate of $175 per hour, and that James would bill at a rate of $375 per hour. Respondent billed a total of $33,488.08 and Petitioner paid $20,100.00, leaving a balance due of $13,388.08. The Panel finds that a reasonable fee for this matter is $32,161.08, thus resulting in an award to Respondent of $12,061.08.

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 August 26, 2013.

Daniel J. Stevens, Esq.

Christopher L. Mann, Esq.

Cathy A. DeMerchant