STATE OF MAINE
BOARD OF OVERSEERS OF THE BAR

Fee Arbitration Commission

Brian M. Rolfe
Petitioner

v.

Paul Sumberg, 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 August 20, 2013, at Augusta, Maine. The Petitioner was present and testified. The Respondent also appeared and testified. Based upon the testimony and evidence introduced, the Panel finds as follows:

There was no written fee agreement that governed the representation involved in the Petition. There was an oral agreement that Respondent would bill his services at $230.00 an hour (plus costs) and that Petitioner would give to Respondent an advance on fees, in increments of $4,500.00. The Petitioner paid the $4,500.00 advance and replenished that advance when requested by Respondent. The Respondent billed the Petitioner a total of $18,822.79 and Petitioner has paid a total of $13,500.00, leaving a balance due of $5,322.79. The panel finds that a reasonable fee for this matter is $18,822.79, thus resulting in an award to the Respondent of $5,322.79. Interest on the balance due, and collection costs, if any, shall not be collected.

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