Fee Arbitration Commission

Keith A. Brewer,

Petitioner,

v.

Carol J. Webb, 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 designated to hear the controversy existing between the above named parties as set forth in the Petitioner's Petition. A hearing was held on March 21, 2013, at Augusta, Maine. The Petitioner was present and testified. The Respondent did not file a written response, but did appear and testify. Based upon the evidence introduced and the testimony at trial, 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 her services at $200.00 an hour (plus costs) and that Petitioner would give to Respondent an advance on fees of $3,000.00. The Petitioner paid the $3,000.00 advance, and now seeks a refund, due to difficulties in the case, and being forced to retain a different attorney to conclude the matter. The panel finds that a reasonable fee for this matter is $1,015.00, thus mandating a refund to the Petitioner of $1,985.00.

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 March 29, 2013.

Daniel J. Stevens, Esq.

Christopher L. Mann, Esq.

Cathy A. DeMerchant