STATE OF MAINE
BOARD OF OVERSEERS OF THE BAR
Fee Arbitration Commission

DAVID GLIDDEN, FAC# 13-285

Petitioner,

v.

AWARD AND DETERMINATION

DAVID LEVESQUE, ESQ.,

Respondent.

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 February 20, 2014, at Augusta, Maine. Mr. Glidden appeared with counsel, Ryan P. Dumais, Esq., and with witness Steve Parady (on behalf of trustee, First Advisors, N. A.) and Respondent appeared. Mr. Dumais, Mr. Parady and Mr. Levesque gave testimony.

Based upon the testimony and the evidence submitted in the petition, response, and at hearing, the Panel finds that Respondent’s two unpaid fees, totaling $474,560.23, are not reasonable pursuant to Rule 1.5 of the Rules of Professional Conduct.\(^1\) Costs incurred by Respondent in the “post will contest” representation, are due and payable in any event under the fee agreement.

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).

\(^1\) Respondent engineered a successful will contest in Probate Court and a contingent fee agreement governed the representation. Respondent also sought payment in the Probate Court for his hourly fees incurred in the will contest representation and was paid $46,725.50 and costs of $4,873.08, by the Estate. The Panel makes no representation as to the reasonableness of Respondent’s contingent fee with regard to the remainder beneficiary under the Diane C. Glidden Trust.
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 24, 2014.

Christopher L. Mann, Esq., Chair

Cathy A. DeMerchant, Public Member

Dennis Jones, Esq.