In Proceedings Before The
FEE ARBITRATION COMMISSION PANEL
Of the
BOARD OF OVERSEERS OF THE BAR

David Bryant Tarr

Petitioner

v.

Alice A. Neal, Esq.

Respondent

AWARD and
DETERMINATION

Dispute No. 14-116

Panel No. 1A

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 as set forth in the Petitioner’s petition. A hearing was held on the 17th day of April 2014, at Biddeford, Maine, at which time testimonial evidence was heard along with a review of written submissions. The Petitioner presented evidence via telephone conference. The Respondent did not respond to the petition, did not submit documents or exhibits and did not appear at the hearing.

Based on the testimony and evidence submitted, the Panel finds as follows:

That there was a written fee agreement between the Petitioner and Respondent. Based upon factors set forth in Rule 1.5 the Panel finds the amount charged by the Respondent to be reasonable. The petitioner paid a $2,000 retainer and does not dispute that $1,068 of that retainer for which he was provided a detailed bill was properly charged. The Petitioner is requesting that the unearned balance of $932 be returned.

In conclusion, the Commission finds in favor of the Petitioner and awards him $932. Respondent is ordered to return the $932 balance of Petitioner’s retainer within thirty days of receipt of this award.

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1 Due to some confusion in the scheduling of the hearing, which may have caused the Respondent to appear for the hearing at 1:00 PM, the Respondent was paged by the clerk to determine if she was in the courthouse for the 1PM scheduled time. The Respondent was not in the building.
This Award and Determination is in full settlement of all claims submitted to this arbitration.

IN WITNESS WHEREOF, the undersigned have subscribed this Award this 17th day of April 2014.

Michael Ayotte, Esq., Chairman

Arthur H. Dumas, Esq.

Richard Dači
May 1, 2014

David Bryant Tarr
N225 County Road HH
Lyndon Station, WI 53944

Alice A. Neal, Esq.
West End Legal, LLC
200 High Street, Suite 3C
Portland, ME 04101

Re: FAC-14-116 - Alice A. Neal, Esq.

Dear Mr. Tarr and Attorney Neal:

Pursuant to the Maine Bar Rules, I enclose for each of you a copy of the Fee Arbitration Commission Panel’s Award and Determination, dated April 17, 2014, and received by our office on May 1, 2014.

Pursuant to Maine Bar Rule 9(i), Attorney Neal shall make the awarded refund of $932 to Mr. Tarr, as outlined in the enclosed Award and Determination, within 30 days of receipt, i.e., by May 31, 2014. If the Respondent fails to make the refund by that date, the Petitioner should so notify the Board Clerk in writing. The Board of Overseers of the Bar shall then refer the matter to Bar Counsel to seek proper Court action under Maine Bar Rule 6(b)(6).

Thank you.

Sincerely,

Zachary Smith
Acting Board Clerk

zs/zs