STATE OF MAINE
BOARD OF OVERSEERS OF THE BAR

Fee Arbitration Commission, Panel 3

FAC# 14-137

John Michael Thibeault,

Petitioner,

v.

Gary M. Prolman, 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 designed to hear the controversy existing between the above named parties as set forth in the Petitioner's Petition. A hearing was held June 19, 2014, at Augusta, Maine. Both the Petitioner and Respondent filed written submissions, appeared and testified. Based upon the testimony and evidence introduced, the Panel finds as follows:

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1. That the reasonable fee in this matter is $18,850, plus costs of $597.18, for a total of $19,447.18.

2. Measuring the foregoing findings with the factors set forth in Rules 1.5 of the Rules of Professional Conduct, the Panel finds that Petitioner has carried his burden to show that a portion of the fees paid to Respondent are unreasonable. Therefore, Respondent owes Petitioner a refund of $4,052.82.

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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 July 2, 2014.

[Signature]
Cathy DeMerchant, Panel member

[Signature]
Michael J. Levey, Esq., Panel member, dissenting and not joining

[Signature]
Christopher L. Mann, Esq., Panel Chair