Fee Arbitration Commission, Panel 3

James B. Dayboch, Petitioner,

v.

Philip S. Cohen, Esq., Respondent.

FAC# 14-247

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 August 21, 2014, at Augusta, Maine. The parties gave written authorization for the arbitration to proceed with one attorney and one public member comprising the Panel. Both Petitioner and Respondent filed written submissions and testified. Based upon the evidence and testimony introduced, the Panel finds as follows:

Measuring the findings with the factors set forth in Rules 1.5 of the Rules of Professional Conduct, the Panel finds that Petitioner has not carried his burden to show that Respondent’s fees and costs are unreasonable. Therefore, Petitioner owes Respondent $20,471.14.

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.
The undersigned have subscribed to this award on September 2014.

Christopher L. Mann, Esq.

Cathy A. DeMerchant, Public Member