Fee Arbitration Commission. Panel 4

Lowell H. Gardner
   Petitioner

v.

Eric M. Mehnert, Esq.
   Respondent

AWARD AND DETERMINATION

FAC# 14-533

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 May 20, 2015, in Bangor, Maine. The Petitioner was present and testified. The Respondent did appear and filed written submissions. Based upon the evidence introduced, the Panel finds as follows:

1. The Panel finds there was a written fee agreement dated May 3, 2012 that governs the representation in the Petition.
2. The Panel further finds that the amount Respondent charged Petitioner for legal fees was reasonable. However, the amount charged Petitioner for investigative services conducted by a third party individual seemed to be excessive as no evidence was introduced by Respondent that would suggest the bill was warranted or fair.

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 legal fees are unreasonable. However, the fee charged by Respondent for the investigative work
conducted by a third party individual seemed to be excessive. Further, Respondent did not introduce evidence that would suggest the bill was warranted or fair. Therefore, the Respondent shall refund the sum of Five Hundred and No/100 ($500.00) Dollars to Petitioner within thirty (30) days of this order.

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 June 10, 2015.

[Signatures]
Rebecca A. Cayford, Esq.
Edmond J. Beator, Esq.
Timothy Smith, CPA