STATE OF MAINE
BOARD OF OVERSEERS OF THE BAR

Fee Arbitration Commission, Panel 1A

Marie Louise Herdan
Petitioner

v.

Mark J. Russo, Esq.
Respondent

AWARD AND DETERMINATION

A hearing in the above matter was held on September 22, 2015, in Portland, Maine before 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. The members of this Panel were Chair Michael H. Ayotte, Esq.; Susan E. Driscoll, Esq.; and public member Lori M. Pelletier. The Petitioner was present and testified. The Respondent appeared and filed written submissions. Based upon the evidence 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 Ms. Herdan has carried her burden to show that Attorney Russo’s fees and costs are unreasonable. Therefore, Attorney Russo owes Ms. Herdan the sum of $500.00.

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 7(h), 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 7(h).
The Award and Determination is in full settlement of all claims submitted to the Arbitration Panel.

The Panel by and through the undersigned subscribe to this award on October 2, 2015.

Michael H. Ayotte, Esq.
Chair, Panel 1A
Fee Arbitration Commission