STATE OF MAINE

BOARD OF OVERSEERS OF THE BAR
Fee Arbitration Commission, Panel 2

FAC #16-087

CHARLES A. UNGER,

Petitioner

v.

KENNETH P. ALTSHULER, ESQ.,

Respondent

AWARD AND DETERMINATION

The matter was heard before a duly authorized Panel of the Fee Arbitration Commission of the Board of Overseers of the Bar. The Panel consisted of Michael R. Poulin, Esq., Chair; Jon Oxman, Esq.; and Michael Reynolds, public member. A hearing was held on July 19, 2016, in Lewiston, Maine. The Petitioner appeared by telephone and testified. The Respondent appeared in person and testified. Based upon the written submissions and evidence presented at the hearing, the Panel finds as follows:

Applying the factors set forth in Rule 1.5 of the Rules of Professional Conduct, the Petitioner has not carried his burden to show that the Respondent’s fees and costs are unreasonable. Therefore, the Petitioner’s request for a refund of fees is denied.

In order to preserve the confidentiality of the written materials and of 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 fact and conclusions of the Panel. By
ruling of the Chair, the attached supplemental documents 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).

This 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 and Determination on July 22, 2016.

[Signature]

Michael K. Poulin, Esq., Panel 2 Chair Fee Arbitration Commission

MRP/jab