STATE OF MAINE
BOARD OF OVERSEERS OF THE BAR

Fee Arbitration Commission, Panel 2

Diane M. Dubois
Petitioner

v.

Theodore A. Small, Esq.

and

Jason Dionne, Esq.

Respondents

AWARD AND DETERMINATION

A hearing in the above matter was held on July 18, 2017, in Lewiston, 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 Nancy Macirowski, Esq.; Michael J. Colleran, Esq.; and public member Cheryl Brandt. Petitioner Diane M. Dubois appeared telephonically and testified. Respondent Theodore A. Small, Esq. appeared telephonically and testified. Respondent Jason Dionne, Esq. appeared but did not testify. Based upon the hearing testimony and the documents previously submitted by the parties, 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 her burden to show that Respondents’ fees and costs are unreasonable. Therefore, Petitioner owes Respondents the sum of $9,389.72.

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 undersigned have subscribed to this award on August 10, 2017.

Nancy Macirowski, Esq.
Acting Chair, Panel 2
Fee Arbitration Commission