Fee Arbitration Commission

James C. Estrup
Petitioner

v.

Amy B. McGarry, Esq.
Respondent

AWARD AND DETERMINATION

A hearing in this matter was held on November 29, 2017, in York, 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 Susan E. Driscoll, Esq., Mary A. Davis, Esq., and public member Lori M. Pelletier, LSW. The Petitioner and the Respondent each appeared and testified along with Petitioner’s witness, Daniel Morin. 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 Petitioner has carried his burden to show that $570.00 in fees and costs are unreasonable or refundable. Therefore, Respondent owes Petitioner the sum of $570.00.

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 undersigned has subscribed to this award on 11/30, 2017.

Susan E. Driscoll, Esq.
Chair, Panel 1A
Fee Arbitration Commission