STATE OF MAINE
BOARD OF OVERSEERS OF THE BAR

Fee Arbitration Commission

John G. Whittington
 )
 Petitioner
 )
 v.
 )
 Elizabeth H. Mitchell, Esq.
 )
 Respondent
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AWARD AND DETERMINATION

A hearing in this matter was held on November 28, 2017, in Augusta, 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 J. Colleran, Esq., Kristina M. Donovan, Esq., and public member Sandra Hodge. The Petitioner and the Respondent each appeared and testified.

Based upon the evidence introduced, and considering the factors set forth in Rules 1.5 of the Rules of Professional Conduct, the Panel finds that the Respondent’s fees charged to the Petitioner were, in part, unreasonable. Therefore, the Petitioner’s claim for abatement of fees is partially granted such that the Petitioner owes Respondent the sum of $12,115.05.

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 December 28, 2017.

Michael J. Colleran, Esq.
Acting Chair, Panel 3
Fee Arbitration Commission