A hearing in these two matters was held on August 7, 2018, 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 parties as set forth in the Petitioners’ respective Petitions. The members of this Panel were Chair Michael R. Poulin, Esq., Michael J. Welch, Esq., and public member Philip D. Fearon. The Petitioners and the Respondent each appeared and testified, and two additional witnesses testified for Respondent. Petitioner Heidi M. Pushard was represented by her counsel, James P. Howaniec, Esq. Petitioner Jeffrey A. Pushard was pro se. Respondent was represented by his counsel, Justin W. Andrus, Esq. Based upon the prior submitted documentary evidence and the testimonial evidence introduced at the hearing, the Panel finds as follows:

Respondent has billed Petitioners $17,092.69 for services provided from 2015 through 2017, and none of this amount has been paid. Measuring the findings, including consideration of the factors set forth in Rules 1.5 of the Rules of Professional Conduct, the Panel determines that Petitioners are not liable for any fees
based on the legal services provided by Respondent in connection with the matter identified in the Petitions.

In order to preserve the confidentiality of the documentary and testimonial evidence, the findings of fact and conclusions are not set forth in the Award and Determination. This Award and Determination is accompanied, however, by a Confidential Addendum that sets forth the findings of facts and conclusions of the Panel. By ruling of the Chair, the Confidential Addendum shall not be considered part of the award, which is a public document. In accordance with Maine Bar Rule 7(h), the Confidential Addendum 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 August 22, 2018.

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