STATE OF MAINE
BOARD OF OVERSEERS OF THE BAR

Fee Arbitration Commission, Panel 4

George Cavo  
Petitioner  

v.  

Wayne R. Foote, Esq.  
Respondent  

AWARD AND DETERMINATION

A hearing in this matter was held on September 26, 2018, in Bangor, 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 Petitioner's Petition. The members of this Panel were Chair Nancy Macirowski, Esq., Kenda Scheele, Esq., and public member Timothy Smith, CPA. The Petitioner was represented by Laura Goldsmith, Esq. Petitioner testified at the hearing. The Respondent appeared pro se and testified. Based upon the prior submitted documentary evidence and the testimonial evidence introduced at the hearing, 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 the Petitioner has not carried his burden to show that Respondent's fees and costs are unreasonable. Therefore, there is no basis to order any refund of fees.

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 October 15, 2018.

Nancy Macirowski, Esq.
Acting Chair, Panel 4
Fee Arbitration Commission