

CARRIE B. ANDERSON et al.

v.

BARRY K. MILLS et al.

Argued March 4, 2019  
Decided March 19, 2019

Panel: SAUFLEY, C.J., and ALEXANDER, GORMAN, JABAR, HJELM, and HUMPHREY, JJ.

#### MEMORANDUM OF DECISION

Carrie B. Anderson and Deborah B. Collins appeal from a grant of a summary judgment by the Superior Court (Cumberland County, *Warren, J.*) in favor of Barry K. Mills and Hale & Hamlin, LLC (collectively “Mills”) on Anderson and Collins’s complaint for legal malpractice. *See* 14 M.R.S. § 1851 (2018); M.R. App. P. 2B(c)(1). When the parties’ statements of material facts are viewed in the light most favorable to Anderson and Collins, the court did not err in determining that Anderson and Collins failed to establish a prima facie case for legal malpractice, and Anderson and Collins subsequently failed to demonstrate that there were genuine issues of material fact.<sup>1</sup> *See Grant v. Foster Wheeler,*

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<sup>1</sup> Contrary to the legal position espoused by Anderson and Collins, we have never held that actual authority is necessary to bind a client to a settlement agreement that was signed by her attorney. Nor have we ruled that apparent authority is not sufficient in this regard. Although the parties argue opposing positions on this matter of first impression, we do not reach the issue because Anderson and Collins have not established a prima facie case for legal malpractice as the law stands now or as it stood when Mills represented Anderson and Collins. *See Niehoff v. Shankman & Assocs. Legal Ctr., P.A.*, 2000 ME 214, ¶¶ 7-8, 763 A.2d 121. Anderson and Collins’s counsel conceded as much during oral argument.

*LLC*, 2016 ME 85, ¶ 12, 140 A.3d 1242; *Estate of Cabatit v. Candors*, 2014 ME 133, ¶ 8, 105 A.3d 439; *Niehoff v. Shankman & Assocs. Legal Ctr., P.A.*, 2000 ME 214, ¶¶ 7-8, 763 A.2d 121.

The entry is:

Judgment affirmed.

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Jed Davis, Esq. (orally), Jim Mitchell and Jed Davis, P.A., Augusta, for appellants Carrie B. Anderson and Deborah B. Collins

John S. Whitman, Esq., and Heidi J. Eddy, Esq. (orally), Richardson, Whitman, Large & Badger, Portland, for appellees Barry K. Mills and Hale & Hamlin, LLC

Cumberland County Superior Court docket number CV-2016-6  
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