

WILLIAM DONAHUE

v.

JEFFREY BENNETT

Argued November 5, 2007
Decided November 29, 2007

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

William Donahue appeals from a judgment of the Superior Court (Kennebec County, *Studstrup, J.*) confirming a modified arbitration award to Jeffrey Bennett by a Fee Arbitration Panel of the Fee Arbitration Commission of the Board of Overseers of the Bar pursuant to M. Bar R. 9. Donahue asserts that the Superior Court erred because (1) the fee agreement upon which the arbitration award is based violates the public policy underlying M. Bar R. 3.3(a) and 8(a) relating to contingent fees and excessive fees; and (2) the Panel exceeded its authority under

the Maine Uniform Arbitration Act, 14 M.R.S. §§ 5935, 5939(1)(A), (C) (2006), to modify or correct an award.

The action of the Fee Arbitration Panel in modifying its original award did not exceed the statutory authority to modify awards stated in section 5939, made applicable to fee arbitration proceedings by M. Bar R. 9(g)(3). Our review of judgments confirming arbitration awards is very narrow. *See Bennett v. Praver*, 2001 ME 172, ¶ 8, 786 A.2d 605, 608. On this record, the challenge to the arbitration award has failed to demonstrate any action beyond the scope of the Arbitration Panel's authority or in violation of public policy sufficient to justify vacating the judgment confirming the arbitration award. *See Commercial Union Ins. Co. v. Me. Employers' Mut. Ins. Co.*, 2002 ME 56, ¶ 8, 794 A.2d 77, 80; *see also United Paperworkers Int'l Union v. Misco, Inc.*, 484 U.S. 29, 42-43 (1987).

The entry is:

Judgment affirmed.

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