

July 7

Portland jury finds law firm negligent, awards man \$7.3 million

Jurors decide Bernstein Shur didn't do enough to help a client accused of harassment.

By [Dennis Hoeydhoey@mainetoday.com](mailto:Dennis.Hoeydhoey@mainetoday.com)
Staff Writer

PORTLAND — A jury has returned a \$7.3 million verdict against one of Maine's largest law firms, deciding that Bernstein Shur Sawyer & Nelson was negligent in its representation of a client in a workplace sexual harassment case.

Peter Redman alleged that Bernstein Shur worked against his interests in his dispute with his brother, Mark Redman, over control of Northern Mattress & Furniture Co., which has since gone out of business.

Peter Redman, who was the company's president, was prohibited from entering the family business' headquarters in Fairfield because of a sexual harassment claim that he contends his brother orchestrated to take control of the business.

The jury reached its verdict Friday, ending a trial that began in Cumberland County Superior Court about three weeks ago.

Peter Rubin, an attorney representing Bernstein Shur, said his firm will ask for a new trial. He said the amount of the award set by the nine-member jury will become an issue in a new trial or in an appeal to the Maine Supreme Judicial Court.

"We don't believe we were negligent. We expect we will be vindicated," said Rubin, whose firm has more than 85 attorneys practicing in Portland, Augusta and Manchester, N.H.

According to Redman's lawsuit, Northern Mattress grew under Redman's leadership from 1980 to 2004, expanding from one small store to six stores, in Waterville, Bangor, Brunswick, South Portland, Auburn and Augusta. As of 2004, the company employed 120 people.

Redman's attorney, John S. Campbell of Portland, said his client took a 10-month sabbatical in 2003 to support his wife, who had been diagnosed with cancer, and to take a break from his 90-hour work weeks.

When he returned to the business in early 2004, friction between Redman and his brother grew as they tried to resolve who would control the company and how it should be structured.

In April 2004, Peter Redman hired Bernstein Shur to represent him.

Around that time, the brothers were considering expanding by building an Ashley furniture store in South Portland. Peter Redman had concerns about the expansion, which Campbell said moved ahead without his consent.

During that period, Redman sought advice from his attorneys about matters that included his brother challenging Redman's share of the company's ownership, and allegations that employees could not work with Redman.

"I am being set up to take a big fall," he wrote in an e-mail to his attorneys dated May 5, 2004. "I am alone and strong. However, we need to plan our next strategy, because he (Mark) has planned his already."

The lawsuit alleges that Redman was being set up by his brother, who was trying to force him out of the company.

In May 2004, a female employee made allegations of sexual harassment against Peter Redman.

Campbell and Rubin said the employee testified that at least once, Redman, instead of shaking her hand, held her hand for an inordinate amount of time. Redman denies the allegation.

Campbell says Bernstein Shur failed to investigate and defend Redman against the accusations. He filed the lawsuit against the firm in November 2008.

No harassment complaint was ever filed with the state. Rubin, the attorney for Bernstein Shur, said the matter was handled internally, without publicity, as Redman requested.

"We don't believe we did anything wrong. We were instructed to resolve (the harassment allegations) internally and that's what happened," Rubin said.

Campbell said Maine law allows for damages for emotional distress caused by an attorney's neglect. An individual may recover expenses and lost income, and be entitled to damages for any loss of reputation and emotional injuries.

"Peter was desperately looking for help in dealing with his brother, who was acting unusual," Campbell said. "Peter came to Bernstein Shur for help, but his impression was they were ignoring his pleas for help."

Campbell said Northern Mattress, which was established in 1950, went out of business in late 2006. He said Mark Redman committed suicide in 2006.

Peter Redman, 52, has started a new business -- Priceless Mattress and Furniture in Augusta.

Rubin noted that Bernstein Shur represented Redman for just over four months in 2004.

"I am surprised by the jury verdict based on the evidence presented at trial," he said.

If a new trial is not approved, then Rubin said he intends to appeal the verdict to the Maine Supreme Judicial Court.

Staff Writer Dennis Hoey can be contacted at 791-6365 or at: dhoey@pressherald.com

Find this article at:

http://www.pressherald.com/news/jury-finds-firm-negligent-awards-man-_7_3-million_2010-07-07.html

Check the box to include the list of links referenced in the article.