STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: Norman Watts
PRB File Nos. 2019-102 and 2020-011

SPECIAL DISCIPLINARY COUNSEL'S OPPOSITION
TO MOTION FOR DISMISSAL OR ALTERNATIVELY FOR A NEW HEARING

Navah C. Spero, Esq., Special Assigned Disciplinary Counsel ("Special Disciplinary Counsel"), opposes Respondent's Motion for Dismissal or Alternatively for a New Hearing ("Motion to Dismiss") and alternatively, moves to strike the pleading pursuant to V.R.C.P. 12(f).

Introduction

In the Motion to Dismiss, Respondent seeks to dismiss or hold an entirely new hearing on the seven count Petition of Misconduct because of one text message that relates to only Count I. The Panel should deny or strike the Motion to Dismiss not only because the relief it seeks is disproportionate to the one text message it cites, but because it is wrong on the merits, articulates no standard for the relief it seeks and is procedurally improper. Respondent prematurely seeks relief from an order the Panel has not yet issued without articulating any standard at all for such an extreme remedy—dismissal of an entire seven count Petition for Misconduct that has already had a final merits hearing.

Most importantly, the facts presented by Respondent are incorrect and misstate the record in a critical way—Special Disciplinary Counsel provided a discovery production on June 1, 2023, that supplemented e-mail communications with both complaining witnesses and G.A.'s attorney. Respondent does not mention that the 371 documents provided on July 11, 2023, by Disciplinary Counsel, Jon Alexander, in the related civil case mostly duplicate that production to the extent it relates to G.A.

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Respondent had nearly two weeks to review the July 11 document production from Attorney Alexander. The only document Respondent complains about could never have been produced in this case—it is from during the final hours of the hearing, sent in reaction to Respondent's own testimony in this case. Respondent does not and cannot point to any prejudice he suffered because he was never entitled to production of this text message in this case. Critically, the text message itself is a red herring, read entirely out of context. G.A. sent the text message in reaction to the untruthful testimony that G.A. felt Respondent was presenting.

The Panel should strike Respondent's Motion to Dismiss or New Hearing because he cites no rule or law to support his extreme requests. V.R.C.P. 12(f) (court may strike from any pleading an insufficient defense or a redundant, immaterial, or impertinent matter.).[1] The request to dismiss has no basis in A.O. 9 or the Rules of Civil Procedure at this phase of the case. Respondent does not cite to a single case that stands for the proposition that the failure to produce to an opposing party a communication generated during a trial justifies the later dismissal of an entire case. Nor could he because the proposition is absurd.

The request for a new trial is not only untimely, but does not satisfy the legal standard for such requests. The Panel has not issued its required written decision. *See* A.O. 9, Rule 13(D)(5)(c) ("The hearing panel shall in every case issue a decision containing its findings of fact, conclusions of law, and the sanction imposed, if any, within 60 days after the conclusion of the hearing."). Respondent cannot seek a new trial under V.R.C.P. 59 until we know the outcome of the recent hearing as it relates to Count I. That one misinterpreted text message should not be the basis for a new trial on that one count, let alone all seven counts.

[1] Professional Responsibility Hearings are governed by the Rules of Civil Procedure, unless otherwise stated. A.O. 9 Rule 20(B).

Background

On March 18, 2021, Special Disciplinary Counsel filed a Petition for Misconduct against Respondent, Attorney Norman Watts. On May 27, 2021, Respondent submitted discovery requests for the production of documents to Special Disciplinary Counsel. On June 25, 2021, Special Disciplinary Counsel replied to Respondent's request providing discovery. On December 3, 2021, Special Disciplinary Counsel provided Respondent with a supplemental document production of approximately 240 pages, but did not update her written responses.

This Professional Responsibility matter has taken over two years to address and get to a hearing. Many of the early delays in this case were due to Respondent's failure to comply with his discovery obligations. He produced zero documents in response to Special Disciplinary Counsel's document requests. The Panel sanctioned him for those actions. *See* Order Regarding Discovery Dispute, Request for Sanctions and Request to Extend the Scheduling Order, Sept. 28, 2021. Prior to May 2023, Respondent never supplemented his document production to include his office's e-mails with G.A. When he finally did, he produced only 83 e-mails covering an approximately five-month period.

This matter has been trial ready since January 2022. On March 24, 2023, the Panel set a merits hearing for June 7, 8, and 9, 2023. On June 1, 2023, Special Disciplinary Counsel provided Respondent with a final supplemental document production of approximately 350 pages of documents. This included communications with both complaining witnesses and G.A.'s attorney. It did not include text messages with G.A., J.H. and G.A.'s attorney. They were accidentally omitted from the production.

Special Disciplinary Counsel disclosed in both her original responses to Respondent's discovery requests and the supplementation provided on June 1, 2023, that she was withholding

documents pursuant to work product protections. *See* Supplemental Response to Respondent's Request for Production of Documents, June 1, 2023 ("June 2023 Supplemental"), attached hereto (without produced documents) as Exhibit 1. At no time since Special Disciplinary Counsel articulated a work-product objection did Respondent ask for any further dialogue or information on what documents were withheld and none was provided. Respondent never challenged the assertions of work-product protections in this case.

I. RESPONDENT'S CLAIMS ARE MERITLESS BECAUSE SPECIAL DISCIPLINARY COUNSEL COMPLIED WITH DISCOVERY OBLIGATIONS AND DID NOT SUBORN PERJURY.

The text message at issue has been taken completely out of context—it is G.A.'s reaction to Respondent's testimony that he told G.A. that count two of his underlying complaint lacked merit. G.A.'s text is stating that he would not have asked Respondent's paralegal to explain why it was dismissed if Respondent had previously explained that. In addition, Special Disciplinary Counsel complied with her continued discovery obligation to disclose communications with complainants and G.A.'s attorney.

Special Disciplinary Counsel supplemented her production on December 3, 2021 and June 1, 2023. She stated in her responses that some communications were withheld due to work-product protections. *See Killington, Ltd. v. Lash*, 153 Vt. 628, 646 (1990) ("We conclude that an attorney's work product has never been subject to routine discovery as a principal of common law and now hold that it is protected by a common law attorney's work-product privilege, the dimensions of which we equate to the scope and application of the work-product exemption in V.R.C.P. 26(b)(3)."). Respondent did not follow up on the assertion of work-product privilege at any point during the discovery process. As a result, he waived that issue and cannot raise it now

after the hearing is over.[2] *In re U.S.*, 864 F.2d 1153, 1156 (5th Cir. 1989) ("[W] hen a party fails to object timely to interrogatories, production requests, or other discovery efforts, objections thereto are waived."). The alleged impropriety here is related to Respondent's review of a production of documents from Jon Alexander, Disciplinary Counsel, that he received July 11, 2023. Had Respondent compared that production to the production Special Disciplinary Counsel made in this case on June 1, 2023, he would have observed that the productions overlap in large part. The two areas where they do not overlap is that the latter production includes e-mails and text messages that post-date June 1, 2023 and text messages from prior to June 1, 2023. In other words, the specter that Respondent raises that there could be more documents out there that are prejudicial is baseless. For one thing, he had two weeks to find other purportedly prejudicial documents and he failed to. For another, he had the overwhelming majority of the documents in his possession prior to the start of the June 7 hearing.

The only document Respondent points to as being prejudicially withheld from him is a text message between Special Disciplinary Counsel and G.A. after the hearing had already started—a communication opposing litigants typically never receive. Respondent then proceeds to take this message out of context to make a specious argument that Special Disciplinary Counsel elicited false testimony from G.A. during the hearing. The text message from G.A. to Special Disciplinary Counsel on June 9, 2023 at 1:58 p.m. says: "I sent [Respondent's paralegal] Margaux a msg when Watts dismissed count 2? I asked why it was dismissed!!??". The text message with a date and time stamp is attached hereto as Exhibit 2; *compare* to Respondent's

[2] Attorneys are required to make good faith efforts among themselves to resolve discovery issues and to avoid filing unnecessary motions, such as Respondent's Motion to Dismiss or New Hearing. V.R.C.P. 26(h). Respondent's motion is the first time Special Disciplinary Counsel became aware that Respondent took an exception to the work-product privilege claim regarding discovery.

Ex. I. Based on the transcript, G.A. sent this text during Respondent's testimony. *See* June 9, 2023 Transcript at 130:5 (returned from recess at 1:42), 153:5 (recess at 2:22 p.m.).[3]

G.A. was consistent that he never discussed Count 2 with Respondent or his paralegal at all and never discussed choosing not to respond to the motion for judgment on the pleadings to dismiss Count 2. *See* June 7, 2023 Transcript at 142:3-144:15 (Testimony by G.A.); June 8, 2023 Transcript at 73:3-19 (Testimony by G.A.'s wife, S.A.). G.A.'s text references a discussion that took place after the dismissal—he states "I asked why it was dismissed!!??", not why Respondent wanted to dismiss it. G.A. was pointing out to Special Disciplinary Counsel that he believed there was an e-mail showing that he asked after the dismissal occurred asking why that happened.[4] It was a reaction to G.A. hearing untruthful testimony from Respondent.

The materiality of this issue is unknown until the Panel issues its decision. For example, the Panel could find there was no violation under Count I of the Petition of Misconduct. Alternatively, the Panel could find there was a violation based solely on Respondent's concession in his testimony that neither he nor his paralegal talked to G.A. about deciding not to respond to the motion for judgment on the pleadings. *See* June 9, 2023 Transcript at 143:2-18, attached hereto as Exhibit 3. The Panel could ignore G.A.'s testimony on this count point altogether. If the Panel considers it as part of its decision, then it will have to decide whether the June 9 text message is a red herring because it is consistent with G.A.'s testimony when read in context, or that additional evidence solely on that narrow issue might be appropriate. *See* V.R.C.P. 59(a) (allowing the reopening of a hearing to consider newly raised evidence).

[3] The only things that happen between these recesses were Respondent's direct examination and Special Disciplinary Counsel's cross examination, which starts on page 142.

[4] Had Respondent provided all of the e-mails from his office as part of discovery, the parties would be able to point to the precise e-mail G.A. is referring to.

II. RESPONDENT HAS RECEIVED DUE PROCESS IN THIS PROCEEDING.

"Courts examine procedural due process questions in two steps: the first asks whether there exists a liberty . . . interest which has been interfered with by the State; the second examines whether the procedures attendant upon that deprivation were constitutionally sufficient." *Wool v. Off. of Pro. Regul.*, 2020 VT 44, ¶ 20, (internal quotation omitted). "In an attorney disciplinary proceeding, due process requires, at a minimum, notice and an opportunity to be heard[.]" *In re Fletcher*, 424 F.3d 783, 792 (8th Cir. 2005) (internal quotation omitted).

"The Supreme Court shall have administrative control of all the courts of the state, and disciplinary authority concerning all judicial officers and attorneys at law in the State." Vt. Const., ch. II, § 30. Administrative Order 9 was issued by the Vermont Supreme Court and is the set of rules that controls attorney discipline. A.O. 9, preamble. Attorney discipline proceedings are neither criminal nor civil—they are *sui generis*. A.O. 9, Rule 20(A); *In re Fink*, 2011 VT 42, ¶ 31 ("Disciplinary proceedings in Vermont are neither civil nor criminal, but basic due process rights are accorded to attorneys." (internal citation omitted)). Accused attorneys have the right to provide a full opportunity to explain the circumstances of an alleged offense and to testify in order to mitigate a potential sanction. *In re Fink*, 2011 VT at ¶ 31. "At the same time, however, a respondent's due process rights must be carefully balanced against the importance of the public interest in expeditiously resolving complaints of misconduct." *Id*. (internal quotation and citation omitted).

Although Respondent has an interest in his law license, it is clear that the procedures here involving in-depth discovery, supplementation of discovery, and advance notice of the charges and exhibits to be presented against him—even without including post-hearing discovery of this text message—were sufficient. Respondent even had full notice about what G.A.'s testimony would be. *See* Petition of Misconduct at ¶¶ 45-46. He also had notice that Special Disciplinary

Counsel was withholding documents pursuant to the work-product privilege. Respondent had the opportunity to timely challenge that claim and he chose not to. Therefore, Respondent's claim that his Due Process rights were violated is hollow and unsupportable.

Respondent is asking this Panel to nullify years of work, the State's time and resources, and three entire days of hearings based on the misinterpretation of a text message that he has twisted into an argument that Special Disciplinary Counsel failed to comply with discovery. Special Disciplinary Counsel never had the obligation to produce the only text message presented by Respondent in this matter, due to the timing. The text message also does not change anything about G.A.'s testimony. The Panel should not allow such a delay here where there is no actual evidence to support it.

III. RESPONDENT DOES NOT CITE ANY RULE OR LAW TO SUPPORT THIS MOTION, IT IS THEREFORE IMPROPER, AND THE PANEL SHOULD STRIKE IT.

The Motion to Dismiss or New Hearing is not only wrong on the substance, it is procedurally improper. The Panel should strike the Motion to Dismiss or New Hearing pursuant to V.R.C.P. 12(f) because Respondent has failed to cite to any procedural authority to justify this filing at this time. Nor did Respondent articulate or cite to a standard of review that supports Respondent's requested relief.

It is not clear to Special Disciplinary Counsel whether the portion of the motion seeking dismissal is brought under Rule 12 because none of the bases for such a motion are articulated or satisfied here. A party can move to dismiss for the following listed defenses:

(1) lack of jurisdiction over the subject matter;

(2) lack of jurisdiction over the person;

(3) improper venue;

(4) insufficiency of process;

(5) insufficiency of service of process;

(6) failure to state a claim upon which relief can be granted; or

(7) failure to join a party under Rule 19.

V.R.C.P. 12(b). None of these defenses apply. The only even potentially applicable subsection is (b)(6), and Special Disciplinary Counsel will assume that is the basis for relief.[5]

If the Panel were to consider this as a V.R.C.P. 12(b)(6) motion, it could only be granted if there are no facts or circumstances that would entitle the Panel to exercise its duty to address attorney misconduct. *See Birchwood Land Co., Inc. v. Krizan*, 2015 VT 137, ¶ 6. The Panel would presume as true all the facts as alleged in the petition for misconduct, accepting as true all reasonable inferences derived from those facts, and assuming as false all of Respondent's contravening assertions. *Id*. Since we are post-trial, presumably, the Panel would have to assume as true all facts presented by Special Disciplinary Counsel at the three day hearing.

Using this standard for review, the Panel must deny Respondent's Motion to Dismiss or New Hearing because Special Disciplinary Counsel easily meets this standard. She has presented many facts that would justify a sanction in this case even if Respondent could establish that Special Disciplinary Counsel fell short in her discovery obligations—an assertion he cannot and does not substantiate. As discussed in more detail above, Special Disciplinary Counsel has complied with her discovery obligations by timely producing documents on June 25, 2021 and supplementing those documents twice—once in December 2021 and once on June 1, 2023.

[5] Of course, there could be some other provision Special Disciplinary Counsel is not thinking of. If the Panel decides to analyze this issue under a different provision, Special Disciplinary Counsel requests an opportunity to brief that standard of review.

Turning to the request for a new hearing, Respondent has likewise failed to provide a valid reason for this Panel to grant a new hearing under Rule 59. Most importantly, Rule 59 does not yet apply because the Panel has not yet entered judgment, making the standards it articulates irrelevant to this Motion to Dismiss or New Hearing. In other words, the request for a new hearing is at best premature where this proceeding has not concluded with the required findings of fact, conclusion of law, and if appropriate, an order of sanctions. A.O. Rule 13, D.(5)(c); *see also* V.R.C.P. 52. In other words, how can the Panel reconsider its own findings when it has not made any?

Moreover, Respondent has not established sufficient grounds for a new trial under Rule 59. "Whether to grant a motion for a new trial is a question left to the sound discretion of the trial court." *Shahi v. Madden*, 2008 VT 25, ¶ 14 (citing *Irving v. Agency of Transp.*, 172 Vt. 527, 528 (2001)). The court is required to view the evidence in the light most favorable to the non-moving party, while disregarding modifying evidence. *Id*. When a party appeals a court's denial of a motion for new trial on the grounds that the evidence does not support the verdict, the Court only needs to determine whether a reasonable fact finder would have found its damages verdict based on the evidence before it. *Id*. (citing *Brueckner v. Norwich Univ.*, 169 Vt. 118, 127 (1999)). The Panel should deny the motion for a new hearing because Respondent fails to meet the burden that requires a showing that the evidence fails to support a verdict.

Respondent's Motion to Dismiss or New Hearing is a mix and match of arguments connected with how Disciplinary Counsel—not Special Disciplinary Counsel—responded to a subpoena in a civil legal malpractice case brought by G.A. against Respondent. It is not material to this Professional Responsibility Board matter. The Motion to Dismiss completely ignores the

supplemental document production provided on June 1, 2023, and Respondent's waiver of any challenge to assertions of work product protections.

Respondent is seeking to further delay this professional responsibility matter while the discovery process in the civil litigation plays out. *See* Motion to Dismiss or New Hearing at 8 ("Respondent will need time to obtain court rulings . . . ."). A.O. 9 explicitly rejects this sort of delay, except where good cause exists. *See* A.O. 9, Rule 20(G) ("The processing of a disciplinary matter shall not be delayed because of substantial similarity to the material allegations of pending criminal or civil litigation unless the Board or a hearing panel in its discretion authorizes a stay for good cause."). The prompt resolution of these matters is critical to protect the public from harm and to ensure trust and confidence in legal institutions. *In re Hunter*, 167 Vt. 219, 226 (1997). No good cause exists here where Respondent was provided with a supplemented discovery production six days before trial that included most of the same communications produced on July 11, 2023 in the civil matter. In fact the only communication Respondent complains about is from June 9, 2023, the last day of the hearing. This communication never could have been produced before the hearing.

It is possible that Respondent is relying on V.R.C.P. 60(b). "On motion and upon such terms as are just, the court may relieve a party . . . from a final judgment, order, or proceeding for . . . (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b)." V.R.C.P. 60(b)(2). Here again, this rule only applies after judgment has been entered and the time period for a Rule 59 motion has passed. It is therefore premature here. *See* V.R.C.P. 59(b) ("A motion for a new trial shall be filed not later than 28 days after the entry of the judgement."). The parties do not yet know how the Panel

weighed and considered the evidence. The parties do not even know whether the Panel ruled in Respondent's favor—which would make Respondent's present motion moot.

Respondent fails to meet the substance of the Rule 60 standard, too. New evidence that merely goes to the weight and credibility of a witness has been insufficient for a new trial. *Pirdair v. Medical Center Hosp. of Vermont*, 173 Vt. 411, 414 (2002). New evidence that affects only minor parts of a party's case or are not central to the litigated theories is also an insufficient basis for a new trial under V.R.C.P. 60(b)(2). *Id.*

Here, Respondent has not alleged any harm to him except as it relates to a single text message sent during the hearing. Indeed, Respondent states that the impact of the rest of the discovery in the civil matter that was in Respondent's possession is "currently unknown." *See* Motion to Dismiss or New Hearing at 8. Respondent had the July 11, 2023 document production—only 371 communications—for almost two weeks prior to filing this Motion to Dismiss or New Hearing. If there were other purportedly problematic documents that were not previously produced, Respondent had ample time to identify them and present them to the Panel. Respondent has failed to exercise due diligence prior to filing this untimely and procedurally unmoored motion.

Signing a pleading represents to the court that the filing is based on information and belief formed after a reasonable inquiry under the circumstances. V.R.C.P. 11(b). The signatory represents to the court that the filing is not for any improper purpose (like causing delay), it is not frivolous, the allegations have evidentiary support, or the allegations would have evidentiary support after a reasonable time to investigate or after further discovery. *Id.* at 11(b)(1)-(3). Given that there was no pending time limit for Respondent's Motion to Dismiss or New Hearing, there is no excuse for failing to review everything produced in the subpoena and raising all issues

simultaneously. The Panel should disregard Respondent's vague supposition that he could be able to raise more issues in the future.

Conclusion

This matter was ready for a final hearing as of December 2021. Respondent had ample notice of the claims in the Petition for Misconduct and the arguments Special Disciplinary Counsel would be making. Respondent had more than enough time to prepare his defense and to review the exhibits which Special Disciplinary Counsel relied on during the final hearing. Respondent presented rebuttal evidence on the exact point at issue here and on the other claims in the case. He cannot now point to a post-hearing text message related to only Count I, review it out of context, and present a procedurally improper and untimely motion and expect wholesale dismissal of the entire case against him.

The Panel should deny the Motion to Dismiss or New Hearing in its entirety. In the alternative, it should strike Respondent's Motion to Dismiss or New Hearing because it is procedurally improper.

Dated: August 22, 2023

/s/ Navah C. Spero

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STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In re: Norman Watts
PRB File Nos. 2019-102 and 2020-011

SUPPLEMENTAL RESPONSE TO RESPONDENT'S
REQUESTS FOR PRODUCTION OF DOCUMENTS

Navah C. Spero, Esq., Specially Assigned Disciplinary Counsel ("Special Disciplinary Counsel"), supplements her response to Respondent Norman Watts, Esq.'s Requests for Production of Documents as follows:

Supplemental Responses

1. Please produce all documents received from the complainants.

RESPONSE: Special Disciplinary Counsel objects to this request to the extent that it seeks documents outside of the scope of the Petition of Misconduct. Subject to and without waiver of this objection, *see* attached (Bates Nos. SDC000001-148).

SUPPLEMENTAL RESPONSE: Special Disciplinary Counsel objects to this request to the extent that it seeks e-mails with the complainants regarding scheduling in this matter. Documents outside the scope of the Petition of Misconduct and related to scheduling are being withheld subject to both this objection and the objection above. Subject to and without waiver of this objection and the previous objection, *see* attached (Bates Nos. SDC000846-1002). *See also* Bates Nos. SDC000606-733, produced on December 13, 2021.

2. Please produce all written communications between complainants and Disciplinary Counsel, including electronic and paper communications.

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EXHIBIT
1

RESPONSE: Special Disciplinary Counsel objects to this request to the extent that it seeks documents outside of the scope of the Petition of Misconduct. Special Disciplinary Counsel further objects to this request on the grounds that it seeks documents protected from disclosure by the attorney work product doctrine. Subject to and without waiver of these objections, *see* responses to Request Nos. 1 and 7.

SUPPLEMENTAL RESPONSE: Documents outside the scope of the Petition of Misconduct are being withheld pursuant to the above objections. Subject to and without waiver of the previous objections, *see* supplemental response to Request No 1.

4. Please produce all notes, records and memoranda based on or derived from communications between Respondent and Disciplinary Counsel, including electronic and paper communications prepared before, during or after all such communications.

RESPONSE: Special Disciplinary Counsel objects to this request on the grounds that it seeks documents protected from disclosure by the attorney work product doctrine.

SUPPLEMENTAL RESPONSE: Subject to and without waiver of the previous objection, *see* attached (Bates Nos. SDC001003-1138).

6. Please produce all documents received from any Vermont attorney concerning and/or related to the Petition for Misconduct.

RESPONSE: *See* attached (Bates Nos. SDC000149-170).

SUPPLEMENTAL RESPONSE: Special Disciplinary Counsel objects to this request to the extent that it seeks documents outside of the scope of the Petition of Misconduct. Special Disciplinary Counsel further objects to this request on the grounds that it seeks documents protected from disclosure by the attorney work product doctrine. Documents are being withheld pursuant to these objections. Subject to and without waiver

of these objections, *see* attached (Bates Nos. SDC001139-1197). *See also* Bates Nos. SDC000734-799, produced on December 13, 2021.

7. Please produce all documents received from any official of the Professional Responsibility Board concerning or related to the complaints from complainants.

RESPONSE: Special Disciplinary Counsel objects to this request to the extent that it seeks documents outside of the scope of the Petition of Misconduct. Special Disciplinary Counsel further objects to this request on the grounds that it seeks documents protected from disclosure by the attorney work product doctrine. Subject to and without waiver of these objections, *see* attached (Bates Nos. SDC000171-605).

SUPPLEMENTAL RESPONSE: Documents are being withheld pursuant to the objections above. Subject to and without waiver of the previous objections, *see* Bates Nos. SDC000800-840, produced on December 13, 2021.

Dated: Burlington, Vermont
June 1, 2023

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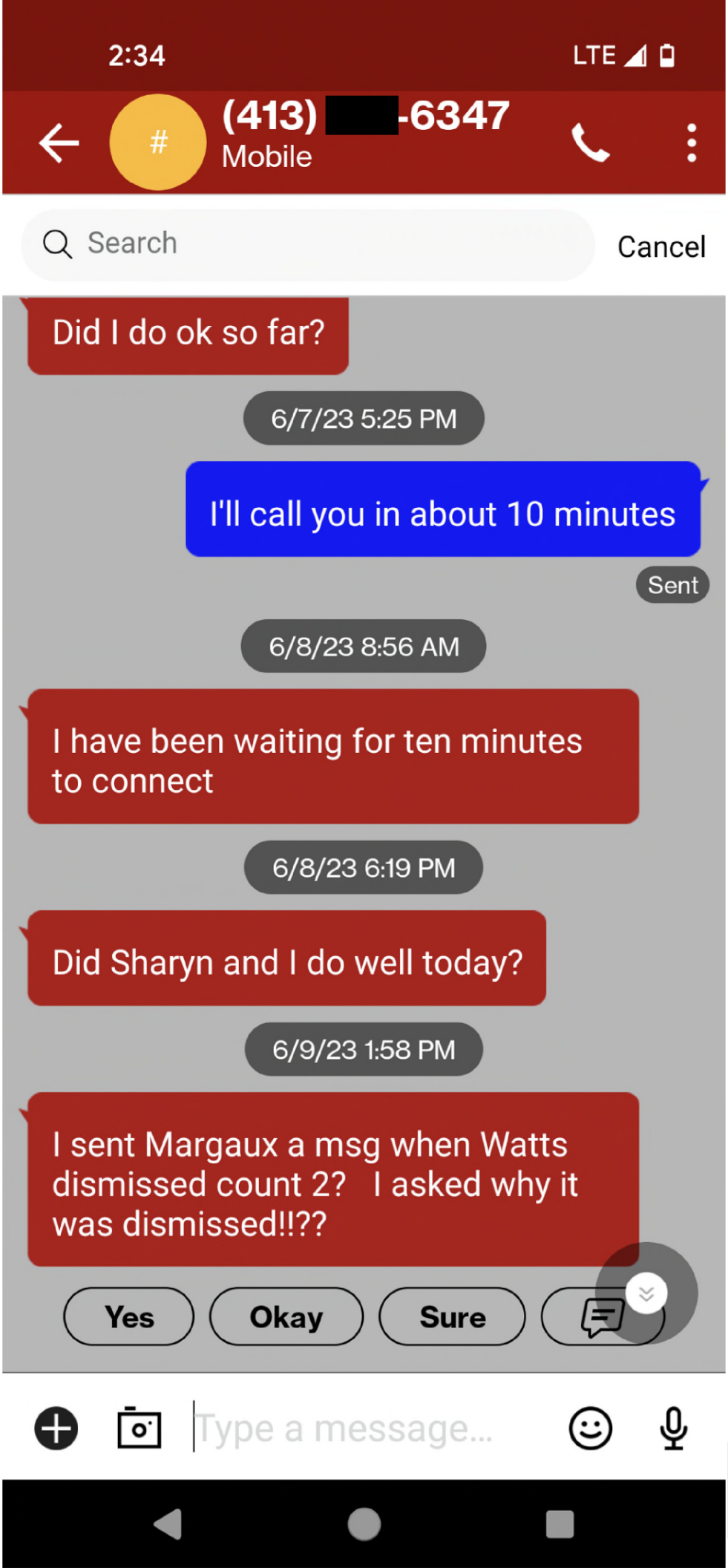
2:34
LTE
(413) [redacted]-6347
Mobile
Search
Cancel
Did I do ok so far?
6/7/23 5:25 PM
I'll call you in about 10 minutes
Sent
6/8/23 8:56 AM
I have been waiting for ten minutes to connect
6/8/23 6:19 PM
Did Sharyn and I do well today?
6/9/23 1:58 PM
I sent Margaux a msg when Watts dismissed count 2? I asked why it was dismissed!!??
Yes
Okay
Sure
Type a message...

EXHIBIT
2

IN THE VERMONT SUPERIOR COURT
PROFESSIONAL RESPONSIBILITY BOARD

IN RE:	)	Case No. PRB-2019-102
	)	PRB-2020-011
Norman E. Watts	)	
	)	Montpelier, Vermont
	)	
_____	)	June 9, 2023
		8:12 AM

TRANSCRIPT OF MERITS HEARING

BEFORE THE HONORABLE KARL C. ANDERSON,
BOARD CHAIR

APPEARANCES (All present by video or telephone):

NAVAH C. SPERO, ESQ.
ALFONSO VILLEGAS, ESQ.
Special Disciplinary Counsel

ERIC JOHNSON, ESQ.
THOMAS J. SABOTKA
Hearing Panel Members

NORMAN E. WATTS,
Respondent, Pro Se

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EXHIBIT
3

I N D E X

for judgment on the pleadings.

Q. That's what I was going to ask. You said that you talked about the motion for judgment on the pleadings, but looking at the billing file, there were no depositions that occurred after the motion for judgment on the pleadings was filed. So it's impossible that you actually talked about the motion for judgment on the pleadings at the deposition, right?

A. Right. I don't think we talked about the motion itself. I told him that my sense was as we were moving along, that the contract claim and the (indiscernible) claim we're weakened in that we -- if there's any strength to the case, it's in the age discrimination. And then, of course, that began to deteriorate too through the course of the depositions.

Q. But the focus of your discussion was on the relative strengths and weaknesses of the claims, not the specific motion projected on the pleadings, correct?

A. Correct. That's my recollection.

Q. Right. And to be clear, Mr. Alibozek says that this discussion never happened, right?

A. That's what he says.

Q. Okay. So the panel can make a credibility determination on that. But what I want to be clear about the contours of exactly what that discussion was. You stated that no client lost money. Remember you said that, that in all

C E R T I F I C A T I O N

I, Broderick VanSchoick, the court-approved transcriber, do hereby certify the foregoing is a true and correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

June 27, 2023

BRODERICK VANSCHOICK DATE

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: Norman Watts
PRB File Nos. 2019-102 and 2020-011

CERTIFICATE OF SERVICE

I, Alfonso Villegas. Esq., certify that, on August 22, 2023, I caused to be served Specially Assigned Disciplinary Counsel's Opposition to Motion for Dismissal or Alternatively for a New Hearing as follows:

Via E-mail

Norman Watts, Esq.
Watts Law Firm, PC
P.O. Box 270
Quechee, VT 05059
nwatts@wattslawvt.com

Dated: August 22, 2023

/s/ Alfonso Villegas
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