

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

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

REQUEST TO RESOLVE DISCOVERY DISPUTE

Navah C. Spero, Esq., Specially Assigned Disciplinary Counsel (“Special Disciplinary Counsel”), requests that the Hearing Panel resolve a discovery dispute in the above referenced-matter pursuant to Administrative Order No. 9, Rule 19(B)(2).

On May 28, 2021, Special Disciplinary Counsel sent Requests to Produce to Respondent Norman Watts (“Mr. Watts”). The responses were due June 25, 2021. When Mr. Watts had not provided a response by June 30, 2021, Special Disciplinary Counsel contacted him to ask if he was providing responses. E-mail Chain, dated June 30-July 6 (Exhibit 1). Mr. Watts said he would submit them shortly. *Id.* When Mr. Watts still had not provided them on July 6, 2021 Special Disciplinary Counsel told Mr. Watts she would file a request to resolve a discovery dispute on July 7, 2021 if she did not receive them. *Id.* Mr. Watts provided his responses on July 7, 2021. The responses Mr. Watts provided are attached here as Exhibit 2. Mr. Watts did not provide a single document as part of his response.

Mr. Watts’ responses are deficient in three ways: (1) Mr. Watts declined to provide any documents for certain requests, (2) Mr. Watts stated in response to specific requests that he previously provided the requested documents, but has not in fact previously provided the documents, or all of the requested documents; and (3) Mr. Watts responded to certain requests with a narrative or no response at all, and did not state whether there were any responsive documents.

Special Disciplinary Counsel contacted Mr. Watts on July 7, 2021 to notify him that the responses were deficient. E-mail Chain dated July 7-July 9 (Exhibit 3). Mr. Watts refused to speak to Special Disciplinary counsel before Monday, July 12. *Id.* When they spoke, Special Disciplinary Counsel reviewed each deficiency and asked Mr. Watts to provide documents by Friday. Mr. Watts said he would respond by Wednesday, July 14, because he was in depositions on Thursday and Friday. Special Disciplinary Counsel made it clear that she would accept rolling productions of documents. To date, Mr. Watts has not provided a single additional document or responded in any way.

Because there are a number of document requests at issue in this request, attached here as Exhibit 4 is a chart of each document request at issue, each response, and the reason each one is deficient.

Special Disciplinary Counsel asks the Panel to order Mr. Watts to produce documents responsive to each request. This includes requests where he has stated that he has previously produced documents. In some instances, he has produced a few responsive documents as part of the investigation. However, he has never produced all responsive documents, nor has he provided his complete files for the two clients at issue in this matter.

Dated: Burlington, Vermont
July 16, 2021

/s/ Navah C. Spero
Navah C. Spero, Esq.
Gravel & Shea PC
76 St. Paul Street, 7th Floor, P.O. Box 369
Burlington, VT 05402-0369
(802) 658-0220
nspero@gravelshea.com
Special Disciplinary Counsel

Navah C. Spero

From: Navah C. Spero
Sent: Tuesday, July 6, 2021 10:08 AM
To: 'Norman Watts, Esq.'
Subject: RE: Your Discovery Production

Norman,

If I don't have them by the end of the day I'll be filing a motion with the Board.

From: Norman Watts, Esq. <nwatts@wattslawvt.com>
Sent: Thursday, July 1, 2021 12:20 PM
To: Navah C. Spero <nspero@gravelshea.com>
Subject: Re: Your Discovery Production

Im aware but we were blasted by the storm - severe property damage.
Plan to finalize submissions asap.
Sorry to inconvenience you.
NW

Norman E. Watts, Esq.
Woodstock VT 05091
802-457-1020

Sent from my iPhone 6

On Jun 30, 2021, at 11:37 AM, Navah C. Spero <nspero@gravelshea.com> wrote:

Norman,

You did not timely provide us with your discovery. When will we have those documents?

Best,
Navah

<image001.jpg>

Navah C. Spero | *Shareholder*
Gravel & Shea PC

76 St. Paul Street, 7th Floor | P.O. Box 369 | Burlington, VT 05401
T: 802-658-0220 | F: 802-658-1456 | Direct: 802-264-3207
nspero@gravelshea.com | www.gravelshea.com
[Biography](#) | [Download vCard](#)

PLEASE NOTE: In response to the COVID-19 pandemic, Gravel & Shea is currently operating remotely. All operations are being continued and service will be uninterrupted. You may reach me by e-mail as usual, or by phone at 802-264-3207.

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dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITH PROGRAM

In Re: Norman E. Watts

PRB File Nos. 2019-102 and 2020-011

Respondent's Productions Pursuant to Requests to Produce

1. Produce any and all Documents related to instances in which You were notified by a professional responsibility regulatory body that a complaint was filed against You.

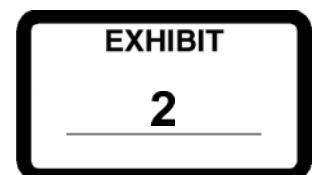
Response: Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.

2. Produce any and all Documents related to incidents in which You were notified by a professional responsibility regulatory body that a complaint was filed against You.

Response: Response: Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.

3. Produce any and all Documents related to personal or emotional problems that contributed to or caused the violations of the Vermont Rules of Professional Conduct as alleged in the Petition.

Response: Objection – Respondent denies he violated the Vermont Rules of Professional Conduct as alleged in the Petition; without waiving, None.



4. Produce any and all Documents related to personal or emotional problems that contributed to or caused the violations of the Vermont Rules of Professional Conduct as alleged in the Petition.

Response: Objection – Respondent denies he Violated the Vermont Rules of Professional Conduct as alleged in the Petition. Without waiving, none.

5. Produce documents sufficient to identify Your Compensation from Your Firm for the years 2014-2020.

Response: Objection - the request as not relevant to the allegations of the Petition, proportional to the needs of the matters under consideration, helpful to the panel in its deliberations and constitutes an invasion of privacy and secure proprietary information.

6. Produce all phone records for You, Your Firm and any other phone You used to communicate with clients from August 2017 through April 2019. To address the confidentiality of all other clients besides G.A., the records may be redacted to remove all but the last four digits of other clients' phone numbers.

Response: Objection – the request as not relevant to the allegations of the Petition, proportional to the needs of the matters under consideration, helpful to the panel in its deliberations and constitutes an invasion of privacy and secure proprietary information. Further, Respondent's firm has not retained phone bills or statements because payments are made online without paper statements.

7. Produce all Documents related to the analysis You conducted in 2018 that led You to the conclusion that G.A.'s claim for violation of the implied covenant of good

faith and fair dealing would not survive the motion for judgment on the pleadings filed by the defendant in the matter.

Response: First, the decision was based on Respondent's professional judgment that the claim was legally and factually unsupported by the evidence produced during discovery, contrary to the client's initial factual claims that led Respondent to accept the case. Second, covenant of good faith and fair dealing applies only when it is supporting by or related to a contractual relationship between the parties. The client reported that, as a matter of standard practice that the defendant relied on the voting of peers to determine promotions and always retained the ballots submitted by the employee interviewers. So, for the claim, we were banking on that point – the defendant's standard practice (which could be shown as an implied contract) and the ballots would be in evidence to prove the defendant ignored them in selecting the other candidate for the promotion, violating the implied employment contract and, thus, covenant. Contrary to the client's initial interview claim and throughout the litigation, by the time we progressed through discovery and depositional process, the defendant appeared to comply with its prescribed employee promotion process. There was no independent testimony or documentation supporting the client's claim that the defendant had violated its promotion process. Hence, the covenant claim would be dismissed and might damage the court's view of the contract claim itself. At one of the last depositions, I advised the client

that it was my legal evaluation and judgment that we should not pursue it. He seemed to understand and did not protest.

8. Produce all Documents related to any financial transactions You undertook in your trust account or operation account any time after you received the December 19, 2018 letter written by Michelle Kainen, Esq, CPA, regarding the audit of Your trust account to correct or respond to the issues identified in the December 19, 2018 letter.

Response: The Respondent overhauled the firm's accounting practices by eliminating the refundable retainers that had been offered to clients prior to the Kainen audit. Thus, no client funds were received into the trust account after that date – as noted in Ms. Kainen's letter, which is in evidence. Any remaining client funds were returned to the clients. No client lost any money nor did Respondent keep any such funds.

9. To the extent not already produced in response to Request 8, produce all Documents related to any financial transaction You undertook in Your trust account and operating account any time after you Signed the February 21, 2019 Stipulation of Facts and Jointly Proposed Conclusions of Law in PRB File No. 2019-006 to correct or respond to the issues identified therein.

Response: Please refer to Response 8.

10. Produce all Documents related to G.A.'s retainer, including without limitation Documents reflecting where it was deposited, Documents reflectin any transfer of the retainer funds at any time, Documents reflecting Your record-keeping for those funds, and Documents reflecting Your return of the retainer funds to G.A. in 2020.

Response: Objection - The documents have already been produced to Counsel as part of the Kainen audit documentation, the settlement and the conclusion of the PRB 2019-006 matter.

11. Produce all Documents that show that any retainer You received from 2015 through 2019 was placed in Your trust account and held there for the duration of the litigation.

Response: Objection - The Respondent already been produced the requested materials to Counsel as part of the Kainen audit documentation, the settlement and the conclusion of the 2019-006 matter.

12. Produce all Documents to support Your claim made in response to Counts I and IV of the Petition that G.A. “besieged one of the firm’s paralegals multiple times with inquiries about the matter and the summary process and demanded the paralegal provide the same explanations to his wife.

Response: Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.

13. Produce all Documents related to Your assertion in response to Count IV that G.A. “contacted Respondent and the firm’s paralegal multiple times by telephone, seeking explanations of each step in the litigation process.”

Response: Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.

14. Produce any Documents related to Your assertion in response to Count IV that G.A. was “demeaning and condescending to the paralegal, a female.

Response: Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.

15. Produce all notices of depositions for G.A. and any other Documents setting for the the date of G.A.'s deposition.

Response: Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.

16. Produce all written communications between G.A. or G.A.'s wife on the one hand and any Person at Your Firm on the other hand,

Response: Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.

17. Produce all written communications from you or any Person at Your Firm to any other Person at Your Firm related to G.A.'s case.

18. Produce all written communications from You or any Person at Your Firm to any third-party related to G.A.'s case.

Response: Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.

19. Produce the underlying, contemporaneous timekeeping records for the \$1,215.09 set forth in Count V.

Response: Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.

20. Produce all Documents related [to] Your claim in response to Count V. that "The \$3,400 charge was at a discounted rate."

Response: Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation, including all the billing and payment records.

21. For each hourly employment litigation case You have worked on since 2010, produce Documents sufficient to show the total amount of legal fees You charged for each case and the phase of litigation at which each case was resolved.

Response: Objection - Objection – The request is for eleven years of information that is beyond the scope of the Petition and delves into client files no longer in the firm’s possession or control as our practice is to return all files to the clients at the conclusion of each case.

22. Produce all Documents related to any estimates of legal fees and expenses You have made in other hourly employment litigation cases.

Response: Objection - Objection – The request is for eleven years of information that is beyond the scope of the Petition and delves into client files no longer in the firm’s possession or control as our practice is to return all files to the clients at the conclusion of each case.

23. Produce all Documents supporting Your contention in response to Paragraph 24 of the Petition that You or anyone from the Firm spoke to G.A. about his retainer after Your representation of G.A. ended.

Response: Objection – The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the billing and payment records and related emails.

24. Produce all Documents You reviewed or consulted prior to stating in Your July 24, 2020 letter that You had already returned G.A.’s retainer to him.

Response: Objection - Respondent reviewed correspondence with G.A. that has already been produced to Counsel and spoke with the client, as observed in the referenced letter.

25. Produce all Documents related to Your statement in response to paragraph 30 of the Petition that G.A. “assured respondent that his son had won the lottery and he would bring the payments current for the remainder of the case.”

Response: Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications in voluminous amounts of emails.

26. Produce all Documents related to Your statement in response to paragraph 36 of the Petition that You “advised the client that is pattern of delayed payments might cause postponement of activities that would cause the balance to increase; that the remedy would be withdrawal.”

Response: Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.

27. Produce all Documents related to Your statements in response to paragraph 45 of the Petition, including any notes of conversations and e-mails with any Person related to those factual assertions.

Response: Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.

28. Produce the memorandum referenced in response to paragraph 51 of the Petition.

Response: Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.

29. Produce all Documents related to the calculations You created, per Your response to paragraph 55 of the Petition.

Response: Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.

30. Produce all Documents related to any estimate of fees and expenses You provided to J.H. including Documents related to any calculations You made and Documents you relied on in crating the estimates.

Response: Objection - The Respondent already produced all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.

31. Produce any list of witnesses You created during the courts of J.H.'s case and the date that list was created.

Response: Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.

32. Produce all Documents related to the decision to retain an expert in J.H.'s case including communications between you and J.H. regarding the cost of an expert.

Response: Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.

33. Produce all Documents related to the decision to your assertions in response to paragraph 67 of the Petition that the expert retained by You for J.H.'s case would not charge for his services.

Response: Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.

34. Produce all Documents related to Your assertion in response to paragraph 24 of the Petition that "Respondent indicated he would not charge for travel to the two west coast conferences with the client, not travel to depositions, the mediation or other in-state events."

Response: Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.

35. Produce all Documents related to the allegations in paragraphs 78 and 79 if the Petition.

Response: Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.

36. For those depositions that occurred in Boston, MA, Amherst, MA and Rochester, N.Y., produce all notices of depositions, subpoenas and e-mails scheduling the time and date of those depositions.

Response: Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails and pleadings.

37. Produce all Documents related to your assertions in response to the allegations in paragraph 80 of the Petition that “a) the Hotels were not ‘luxury,’ they were the only facilities available at the time; respondent was forced to stay an extra night because the return coach had already departed Boston; b) There were no charges for ‘unreasonable amounts’ for food and no charges at all for alcohol; hence receipts were not required.”

Response: Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails and expense statements.

38. Produce all Documents related to Your assertion in response to paragraph 87 of the Petition that “The engagement letter the client agreed to provided for the deduction of expenses from the retainer at the conclusion of the representation.”

Response: Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.

39. Please produce any policies, rules, intra-office memoranda or related Documents created in response to the audit conducted by Michelle Kainen, Esq., CPA, in 2018. This includes all e-mails or other intra-office communications related to any changes in policies.

Response: Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.

40.If you retain a testifying expert, please produce for each testifying expert: their resume or C.V., their file for this matter, all documents reflecting assumptions made for purposes of arriving at an opinion; all documents the expert relied on in forming an opinion and the expert's file.

Response: Respondent has not retained a testifying expert.

Dated: Quechee, Vermont on this July 7, 2021.

/s/ Norman E. Watts

Norman E. Watts, Esq.
Respondent
Watts Law Firm PC
176 Waterman Hill Road/PO Box 270
Quechee VT 05059-0270
802-457-1020 (T)
802-369-2172 (F)
info@wattslawvt.com

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITH PROGRAM

In Re: Norman E. Watts

PRB File Nos. 2019-102 and 2020-011

Certificate of Service

The undersigned attorney certifies that he served on Disciplinary Counsel Navah Spero *Respondent's Productions Pursuant to Requests to Produce*, service by electronic email on July 7, 2021.

/s/ Norman E. Watts

Norman E. Watts, Esq.
Respondent
Watts Law Firm PC
176 Waterman Hill Road/PO Box 270
Quechee VT 05059-0270
802-457-1020 (T)
802-369-2172 (F)
info@wattslawvt.com

Navah C. Spero

From: Navah C. Spero
Sent: Friday, July 9, 2021 10:08 AM
To: 'Norman Watts'
Subject: RE: PRP RESPONSES

Categories: Saved to DM, #1674534
ProfileOnSend: 1

Norman,

You're not taking your obligation to provide me with documents seriously. You were ten days late responding to discovery, even though you actually did not provide a single new document. In your responses, you made representations that you provided me documents when you in fact have not. You also refused to answer some questions. Now you are making it very difficult to schedule a discussion about your non-responses. I'm not obligated to confer with you before filing with the Panel, but I'd like to do so before I let the Panel know that you have stated you provided me with documents in the past when you have not. I will be preparing a motion for the Panel's consideration over the weekend and plan to file on Monday. I cannot delay the filing any longer. I'm available at 215-292-4692 if you'd like to talk before then.

Best,
Navah

From: Norman Watts <nwatts@wattslawvt.com>
Sent: Friday, July 9, 2021 9:12 AM
To: Navah C. Spero <nspero@gravelshea.com>
Subject: Re: PRP RESPONSES

We are traveling in Maine this weekend and will not be available -
so, Monday afternoon is best.
NW

Norman E. Watts, Esq.
Watts Law Firm PC
Civil Litigation

P.O.Box 270

176 Waterman Hill Road - Suite 4
Quechee VT 05059-0270
T - 802-457-1020
F - 802-369-2172

On Thu, Jul 8, 2021 at 9:39 PM Navah C. Spero <nspero@gravelshea.com> wrote:

Thank you. How about Sunday?

Sent from my Android

From: Norman Watts <nwatts@wattslawvt.com>

Sent: Thursday, July 8, 2021 5:45:10 PM

To: Navah C. Spero <nspero@gravelshea.com>

Subject: Re: PRP RESPONSES

I do consent to the substitution. We are out this evening until after 9pm.

NW

**Norman E. Watts, Esq.
Watts Law Firm PC
Civil Litigation**

P.O.Box 270

176 Waterman Hill Road - Suite 4

Quechee VT 05059-0270

T - 802-457-1020

F - 802-369-2172

On Thu, Jul 8, 2021 at 2:40 PM Navah C. Spero <nspero@gravelshea.com> wrote:

Hi Norman,

Are you available to talk this evening. I'm available after 7pm. We'll need about a half hour to discuss all of the issues. I'm also available on Sunday from 12:30-3pm. If neither of those times work, let's set a time for Monday afternoon.

Please be advised that Herb Ogden had a conflict and Alison Bell will be replacing him as the expert. I'll be filing a motion to substitute. Please let me know if you'll consent to the motion.

Best,
Navah

From: Norman Watts <nwatts@wattslawvt.com>
Sent: Wednesday, July 7, 2021 4:07 PM
To: Navah C. Spero <nspero@gravelshea.com>
Subject: Re: PRP RESPONSES

I have depositions all day tomorrow and Friday. If there is a break of any length I will call you; otherwise, Monday afternoon will have to suffice.

I would like to take your expert's deposition - perhaps 7/23 or 27?

NW

Norman E. Watts, Esq.

Watts Law Firm PC

Civil Litigation

P.O.Box 270

176 Waterman Hill Road - Suite 4

Quechee VT 05059-0270

T - 802-457-1020

F - 802-369-2172

On Wed, Jul 7, 2021 at 4:02 PM Navah C. Spero <nspero@gravelshea.com> wrote:

Hi Norman,

Thank you for sending these over. Do you have time to discuss them tomorrow? There are a number of deficiencies. I'm free any time after 10am.

Best,
Navah

Navah C. Spero (she/her) | *Shareholder*
Gravel & Shea PC



76 St. Paul Street, 7th Floor | P.O. Box 369 | Burlington, VT 05401
T: 802-658-0220 | F: 802-658-1456 | Direct: 802-264-3207
nspero@gravelshea.com | www.gravelshea.com
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From: Norman Watts <nwatts@wattslawvt.com>

Sent: Wednesday, July 7, 2021 2:40 PM

To: Navah C. Spero <nspero@gravelshea.com>

Subject: PRP RESPONSES

Attached with certificate. Thanks for you patience.

NW

Norman E. Watts, Esq.

Watts Law Firm PC

Civil Litigation

P.O.Box 270

176 Waterman Hill Road - Suite 4

Quechee VT 05059-0270

T - 802-457-1020

F - 802-369-2172

Request #	Request	Response	Further Action Needed
1.	Produce any and all Documents related to instances in which You were subject to disciplinary action before a professional responsibility regulatory body.	Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.	Respondent has not previously produced any documents responsive to this request.
2.	Produce any and all Documents related to instances in which You were notified by a professional responsibility regulatory body that a complaint was filed against You.	Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.	Respondent has not previously produced any documents responsive to this request.
5.	Produce Documents sufficient to identify Your compensation from Your Firm for the years 2014-2020.	Objection - the request as not relevant to the allegations of the Petition, proportional to the needs of the matters under consideration, helpful to the panel in its deliberations and constitutes an invasion of privacy and secure proprietary information.	This request is related to sanctions factors.
6.	Produce all phone records for You, Your Firm, and any other phone You used to communicate with clients from August 2017 through April 2019. To address the confidentiality of all other clients besides G.A., the records may be redacted to remove all but the last four digits of the other clients' phone numbers.	Objection – the request as not relevant to the allegations of the Petition, proportional to the needs of the matters under consideration, helpful to the panel in its deliberations and constitutes an invasion of privacy and secure proprietary information. Further, Respondent's firm has not retained phone bills or statements because payments are made online without paper statements.	Many allegations in the Answer refer to phone conversations between Mr. Watts and/or his office and a client or third-party. The existence of many of these phone calls is disputed. Therefore records are needed to verify.
7.	Produce all Documents related to the analysis You conducted in 2018 that led You to the conclusion that G.A.'s claim for violation of the implied covenant of good faith and fair dealing would not survive the motion for judgment on the pleadings filed by the defendant in that matter.	First, the decision was based on Respondent's professional judgment that the claim was legally and factually unsupported by the evidence produced during discovery, contrary to the client's initial factual claims that led Respondent to accept the case. Second, covenant of good faith and fair dealing applies only when it is supporting by or related to a contractual relationship between the parties. The client reported that, as a matter of standard	Respondent did not state whether there are any documents. During the call to resolve this dispute, Mr. Watts indicated there are cases that he referred to and that are relevant.

EXHIBIT

4

Request #	Request	Response	Further Action Needed
		<p>practice that the defendant relied on the voting of peers to determine promotions and always retained the ballots submitted by the employee interviewers. So, for the claim, we were banking on that point – the defendant’s standard practice (which could be shown as an implied contract) and the ballots would be in evidence to prove the defendant ignored them in selecting the other candidate for the promotion, violating the implied employment contract and, thus, covenant. Contrary to the client’s initial interview claim and throughout the litigation, by the time we progressed through discovery and depositional process, the defendant appeared to comply with its prescribed employee promotion process. There was no independent testimony or documentation supporting the client’s claim that the defendant had violated its promotion process. Hence, the covenant claim would be dismissed and might damage the court’s view of the contract claim itself. At one of the last depositions, I advised the client that it was my legal evaluation and judgment that we should not pursue it. He seemed to understand and did not protest.</p>	
8.	<p>Produce all Documents related to any financial transaction You undertook in Your trust account or operating account any time after You received the December 19, 2018 letter written by Michelle Kainen, Esq., CPA, regarding the audit of Your</p>	<p>The Respondent overhauled the firm’s accounting practices by eliminating the refundable retainers that had been offered to clients prior to the Kainen audit. Thus, no client funds were received into the trust account after that date – as noted in Ms.</p>	<p>This question asks whether Respondent took any action in his trust or operating account after Attorney Kainen’s audit of his accounts in 2018, and to produce all documents reflecting those actions. Mr. Watts failed to hold G.A.’s retainer in his</p>

Request #	Request	Response	Further Action Needed
	trust account to correct or respond to the issues identified in the December 19, 2018 letter.	Kainen's letter, which is in evidence. Any remaining client funds were returned to the clients. No client lost any money nor did Respondent keep any such funds.	Trust account after Attorney Kainen's audit and then delayed returning the retainer for almost eighteen months.
9.	To the extent not already produced in response to Request 8, produce all Documents related to any financial transaction You undertook in Your trust account and operating account any time after You signed the February 21, 2019 Stipulation of Facts and Jointly Proposed Conclusions of Law in PRB File No. 2019-006 to correct or respond to the issues identified therein.	Please refer to Response 8.	See explanation to Request 9.
10.	Produce all Documents related to G.A.'s retainer, including without limitation Documents reflecting where it was deposited, Documents reflecting any transfer of the retainer funds at any time, Documents reflecting Your record-keeping for those funds, and Documents reflecting Your return of the retainer funds to G.A. in 2020.	Objection - The documents have already been produced to Counsel as part of the Kainen audit documentation, the settlement and the conclusion of the PRB 2019-006 matter.	Mr. Watts has produced a few documents responsive to this request, but not all.
11.	Produce all Documents that show that any retainer You received from 2015 through 2019 was placed in Your trust account and held there for the duration of the litigation.	Objection - The Respondent already been produced the requested materials to Counsel as part of the Kainen audit documentation, the settlement and the conclusion of the 2019-006 matter.	Respondent has not previously produced any documents responsive to this request.
12.	Produce all Documents to support Your claim made in response to Counts I and IV of the Petition that G.A. "besieged one of the firm's paralegals multiple times with inquiries about the matter and the summary judgment process and demanded the	Objection - The Respondent has already produced all such materials to Counsel pursuant to her investigation.	Respondent has previously produced some documents responsive to this request, but not all.

Request #	Request	Response	Further Action Needed
	paralegal provide the same explanations to his wife.”		
13.	Produce all Documents related to Your assertion in response to Count IV that G.A. “contacted Respondent and the firm’s paralegal multiple times by telephone, seeking explanations of each step in the litigation process.”	Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.	Respondent has not previously produced any documents responsive to this request.
14.	Produce any Documents related to Your assertion in response to Count IV that G.A. was “demeaning and condescending to the paralegal, a female.”	Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.	Respondent has not previously produced any documents responsive to this request.
15.	Produce all notices of depositions for G.A. or any other Documents setting forth the date of G.A.’s deposition.	Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.	Respondent has not produced the file for G.A. and J.H. in their entirety. These documents specifically have not been produced.
16.	Produce all written communications between G.A. or G.A.’s wife on the one hand and any Person at Your Firm on the other hand.	Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.	Respondent has previously produced some documents responsive to this request, but not all. Respondent has only produced a handful of e-mails related to billing.
17.	Produce all written communications from You or any Person at Your Firm to any other Person at Your Firm related to G.A.’s case.	[No response provided.]	Response needed.
18.	Produce all written communications between You or any Person at Your Firm with any third-party related to G.A.’s case.	Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.	Respondent has previously produced some documents responsive to this request, but not all.
19.	Produce the underlying, contemporaneous timekeeper records for the \$1,215.09 set forth in Count V.	Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.	Respondent has produced the bill, but not the underlying software record, which is what is being requested here.
20.	Produce all Documents related Your claim in response to Count V that “The \$3,400 charge was at a discounted rate.”	Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation, including all the billing and payment records.	Respondent has produced the bill, but not the underlying software record, which is what is being requested here.

Request #	Request	Response	Further Action Needed
21.	For each hourly employment litigation case You have worked on since 2010, produce Documents sufficient to show the total amount of legal fees You charged for each case and the phase of litigation at which each case was resolved.	Objection – The request is for eleven years of information that is beyond the scope of the Petition and delves into client files no longer in the firm’s possession or control as our practice is to return all files to the clients at the conclusion of each case.	Files were not returned to G.A., so Respondent’s response that all files are returned is inaccurate. Additionally, this requests asks for “documents sufficient to show” the fees, etc., not all documents. Even if the file has been returned, there is likely digital documentation in Respondent’s possession.
22.	Produce all Documents related to any estimates of legal fees and expenses You have made in other hourly employment litigation cases.	Objection – The request is for eleven years of information that is beyond the scope of the Petition and delves into client files no longer in the firm’s possession or control as our practice is to return all files to the clients at the conclusion of each case.	See Response to Request 21. In addition, this information would be maintained in e-mails, which are retained digitally.
23.	Produce all Documents supporting Your contention in response to Paragraph 24 of the Petition that You or anyone from the Firm spoke to G.A. about his retainer after Your representation of G.A. ended.	Objection – The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the billing and payment records and related emails.	Respondent has not previously produced any documents responsive to this request.
24.	Produce all Documents You reviewed or consulted prior to stating in Your July 24, 2020 letter that You had already returned G.A.’s retainer to him.	Objection - Respondent reviewed correspondence with G.A. that has already been produced to Counsel and spoke with the client, as observed in the referenced letter.	Respondent has not previously produced any documents responsive to this request.
26.	Produce all Documents related to Your statement in response to paragraph 36 of the Petition that You “advised the client that his pattern of delayed payments might cause postponement of activities that would cause the balance to increase; that the remedy would be withdrawal.”	Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.	Respondent has previously produced some documents responsive to this request, but not all.
27.	Produce all Documents related to Your statements in response to paragraph 45 of the Petition, including any notes of	Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all	The response to paragraph 45 is long and covers a number of facts. It asserts that Respondent spoke to G.A. about the

Request #	Request	Response	Further Action Needed
	conversations and e-mails with any Person related to those factual assertions.	the communications and voluminous amounts of emails.	motion for judgment on the pleadings. G.A. disputes this. For example, Respondent's analysis of the issues is lacking. Respondent has not previously produced documents responsive to this request.
28.	Produce the memorandum referenced in response to paragraph 51 of the Petition.	Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.	This documents has not been produced previously.
29.	Produce all Documents related to the calculations You created, per Your response to paragraph 55 of the Petition.	Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.	Respondent has not previously produced any documents responsive to this request. Counsel has seen estimates but not the calculations that led to them.
30.	Produce all Documents related to any estimate of fees and expenses You provided to J.H., including Documents related to any calculations You made and Documents You relied on in creating the estimates.	Objection - The Respondent already produced all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.	Respondent has not previously produced any documents responsive to this request. Counsel has seen estimates but not the calculations that led to them.
31.	Produce any list of witnesses You created during the course of J.H.'s case and the date that list was created.	Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.	Respondent has not previously produced any documents responsive to this request.
32.	Produce all Documents related to the decision to retain an expert in J.H.'s case, including communications between You and J.H. regarding the cost of an expert.	Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.	Respondent has not previously produced any documents responsive to this request.
33.	Produce all Documents related to Your assertion in response to paragraph 67 of the	Objection - The Respondent already produce all such materials to Counsel	Respondent has not previously produced any documents responsive to this request.

Request #	Request	Response	Further Action Needed
	Petition that the expert retained by You for J.H.'s case would not charge for his services.	pursuant to her investigation, including all the communications and voluminous amounts of emails.	
34.	Produce all Documents related to Your assertion in response to paragraph 24 of the Petition that "Respondent indicated he would not charge for travel to the two west coast conferences with the client, not travel to depositions, the mediation or other in-state events."	Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.	Documents that were produced previously do not support Respondent's assertion. If Respondent has additional documents, they should be produced.
35.	Produce all Documents related to the allegations in paragraphs 78 and 79 of the Petition.	Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.	Respondent has not previously produced any documents responsive to this request. Counsel seeks discovery schedules, requests to extend the schedule, and communications indicating a refusal to produce documents.
36.	For those depositions that occurred in Boston, MA, Amherst, MA and Rochester, NY, produce all notices of depositions, subpoenas and e-mails scheduling the time and date of those depositions.	Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails and pleadings.	Respondent has not previously produced any documents responsive to this request.
37.	Produce all Documents related to Your assertions in response to the allegations in paragraph 80 of the Petition that "a) The hotels were not 'luxury,' they were the only facilities available at the time; respondent was forced to stay an extra night because the return coach had already departed Boston; b) There were no charges for 'unreasonable amounts' for food and no charges at all for alcohol; hence receipts were not required."	Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails and expense statements.	Respondent has not previously produced any documents responsive to this request, other than invoices.
38.	Produce all Documents related to Your assertion in response to paragraph 87 of the	Objection - The Respondent already produce all such materials to Counsel	The only document previously produced was the engagement letter. If there are

Request #	Request	Response	Further Action Needed
	Petition that “The engagement letter the client agreed to provided for the deduction of expenses from the retainer at the conclusion of the representation.”	pursuant to her investigation, including all the communications and voluminous amounts of emails.	additional documents, Respondent should be ordered to produce them.
39.	Please produce any policies, rules, intra-office memoranda or related Documents created in response to the audit conducted by Michelle Kainen, Esq., CPA in 2018. This includes all e-mails or other intra-office communications related to any changes in policies.	Objection - The Respondent already produce all such materials to Counsel pursuant to her investigation, including all the communications and voluminous amounts of emails.	Respondent has not previously produced any documents responsive to this request.
40.	If you retain a testifying expert, please produce for each testifying expert: their resume or C.V., their file for this matter, all documents reflecting assumptions made for purposes of arriving at an opinion; all documents the expert relied on in forming an opinion and the expert’s file.	Respondent has not retained a testifying expert.	Respondent previously identified Kaveh Shahi, but now states Mr. Shahi is not testifying.

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

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

CERTIFICATE OF SERVICE

I, Navah C. Spero, Esq., certify that, on July 16, 2021, I caused to be served my Request to Resolve Discovery Dispute as follows:

Via E-mail

Norman Watts, Esq.
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nwatts@wattslawvt.com

Dated: Burlington, Vermont
July 16, 2021

/s/ Navah C. Spero

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