

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

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

MOTION TO AMEND PETITION OF MISCONDUCT

Navah C. Spero, Esq., Specially Assigned Disciplinary Counsel in this matter (“Special Disciplinary Counsel”) moves this court to make a minor amendment to the Petition of Misconduct. In support, Special Disciplinary Counsel states as follows:

Procedural Background

In its April 14, 2021 Scheduling Order, the Court set August 6, 2021 as the deadline to amend the Petition of Misconduct (“Petition”). That deadline has since been amended three times, most recently in the December 7, 2021 order of the Hearing Panel granting Special Disciplinary Counsel’s request for a one-week extension. Any motion to amend is now due December 10, 2021. Consistent with Special Disciplinary Counsel’s December 3, 2021 motion seeking an extension, the amendment requested here seeks only to narrow and reduce the scope of one count.

Relief Requested

Special Disciplinary Counsel asks the Hearing Panel to amend Count V of the Petition of Misconduct, to say that Respondent overcharged \$1,900 in fees instead of \$3,400 in fees.

Legal Argument

Special Disciplinary Counsel seeks to amend the Petition to adjust the amount Respondent overcharged in legal fees based on an additional review of prior evidence and new evidence from a complaining witness. Currently, Count V states:

During the course of his representation of J.H., Mr. Watts, a licensed Vermont attorney, inappropriately charged J.H. for \$3,400 in fees he had previously agreed to discount and \$1,215.09 in expenses that were not supported by documentation or were not reasonable, in violation of Vermont Rule of Professional Conduct 1.5.

As explained in paragraphs 74-79, this \$3,400 was based on two different instances where Respondent agreed to provide a discount to J.H. and then failed to do so.

In the first instance, Respondent agreed not to charge for travel during the course of the litigation. In an e-mail from July 2015, J.H. reminded Respondent that he had agreed not to charge for travel time, but that he had not honored that agreement. Respondent agreed that this was a mistake and agreed to provide a \$1,500 discount. At the time Special Disciplinary Counsel filed the Petition, the documents available to her contained conflicting evidence of whether J.H. had in fact received that \$1,500 discount.

Further review of documents by Special Disciplinary Counsel led her to the conclusion that J.H. had in fact received that \$1,500 discount. It also remains clear from the file that an additional discount was required under the agreement, but Respondent did not provide it.

As a result, the amount at issue in Count V should be reduced by \$1,500.

There is no requested amendment related to the second instance of overcharging fees, which involved a reduction of \$650 that was never provided. *See* Petition, ¶¶ 78-79.

Conclusion

Special Disciplinary Counsel asks the Hearing Panel to amend Count V of the Petition of Misconduct, to say that Respondent overcharged \$1,900 in fees instead of \$3,400 in fees. The remainder of Count V should stay the same. Special Disciplinary Counsel has included an Amended Petition of Misconduct and a red line.

Dated: Burlington, Vermont
December 10, 2021

/s/ Navah C. Spero

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