

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

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

SURREPLY IN OPPOSITION TO
MOTION FOR CONTINUANCE OF MERITS HEARING

Navah C. Spero, Esq., Specially Assigned Disciplinary Counsel (“Special Disciplinary Counsel”) in this matter, files this surreply in opposition to Respondent Norman Watts’s (“Mr. Watts”) Reply in Support of Motion for Continuance of Merits Hearing (“Reply”) as follows:

Argument

The Reply is a distraction from the real issue being litigated in the Motion for Continuance – whether this Panel should continue the final hearing in this matter, currently set for June 7-9. Both parties agree that it is reasonable to debate whether such an extension is appropriate. *See* Motion for Removal, p. 5 (“One can certainly debate whether a given amount of time is sufficient for a hypothetical lawyer to prepare for a hearing, and that is fair game.”). In fact, Attorney Shahi entered a limited notice of appearance on behalf of Mr. Watts solely for the purpose of engaging in this motion practice to determine whether such a request for extension is appropriate. The Panel should deny the request for continuance for three reasons.

First, this is a matter of critical public importance and the final hearing in this matter has already been long-delayed beyond what is contemplated by A.O. 9. *See* A.O. 9, Purpose, (2) (one objective of the program is “to resolve disciplinary complaints against attorneys through fair and prompt dispute resolution procedures”). The Reply does not engage meaningfully with this argument. The rules contemplate a short trial preparation period: “If an answer to a petition

of misconduct is filed, the hearing panel shall serve a notice of hearing upon disciplinary counsel and respondent, stating the date and place of hearing *at least 25 days* in advance thereof.” A.O. 9, Rule 13 (D)(4) (emphasis added). Here, the original scheduling order called for a five-month schedule from the time of answer, May 21, 2021 to the final hearing in October 2021. *See* Ruling on Watts Motion for Extension of Time and Scheduling Order, April 14, 2021.

Respondent has had a much longer time to prepare for the final hearing than what was originally contemplated by this panel in April 2021 and what is called for in the rules. In March 2023, the Panel gave Mr. Watts 75 days from the time of its notice to the trial date. *See* Notice of Merits Hearing, March 24, 2023. Mr. Watts then waited more than six weeks to retain Attorney Shahi. Attorney Shahi entered his limited appearance on May 9, 2023 – 29 days before trial. This is sufficient preparation time under A.O. 9, Rule 13 (D)(4). Special Disciplinary Counsel’s sole interest is in promptly and timely addressing Mr. Watts’s misconduct, and a continuance would frustrate the Professional Responsibility Program’s purpose of promptly and timely disposing of this complaint.

Second, the Panel can review the hearing notice from the Caledonia County Civil Division and interpret the document. Special Disciplinary Counsel reads it as saying that it is highly unlikely Attorney Shahi’s other civil matter would even go to trial in June.¹ Even if Special Disciplinary Counsel’s reading is incorrect, a three-day final hearing that is already scheduled trumps a one-day jury draw. If the Panel denies the Motion for Continuance, Attorney Shahi can decide not to enter a full appearance or he can seek a continuance of the jury draw to attend the final hearing in this matter.

¹ It is often the practice in Vermont for the courts to schedule more cases than there are available trial dates. Special Disciplinary Counsel is perplexed by the argument that stating this commonly known fact called into question a judge’s integrity.

Third, Mr. Watts has not explained why he waited so long to retain an attorney and Attorney Shahi has not provided any specific reasons why five weeks is not sufficient to prepare for trial in this case, but six is. *See* Motion for Continuance, pg. 1 (“Moreover, the undersigned with his schedule and commitments in other matters will require at least six weeks to prepare for this hearing.”) Contrary to what the Reply says, the Panel does not have to accept a generalized statement that an attorney lacks time to prepare. Typically, a party or attorney would explain why a continuance is needed – a lawyer already has a trial scheduled during those five weeks, a party or a lawyer has a pre-planned two-week vacation, etc. – but when given the opportunity, Attorney Shahi chose not to explain why five weeks is insufficient time to prepare for a low-document case he was already (admittedly) somewhat familiar with. Mr. Watts likewise chose not to provide any reason for waiting until the eleventh hour to retain an attorney. Instead, he attacked Special Disciplinary Counsel personally,² to distract the panel from the overwhelming policy reasons that this matter should proceed promptly to a final hearing.

Finally, if the Panel is concerned about requiring Attorney Shahi to file a motion to continue his jury draw in another Court, the Panel has an alternative solution. It can allow the hearing to proceed on June 8 and 9 and continue only the June 7 date to later in June. The Parties and the Panel can then work diligently to find one other day in June to complete this hearing. It has been challenging to schedule this matter in light of the many busy schedules involved for the Parties and the Panel. It will be much easier to reschedule one day in the month

² At no point did Special Disciplinary Counsel make a statement contrary to Attorney Shahi’s integrity, diligence or professionalism. Nothing she said was false. At no time did Special Disciplinary Counsel engage in any personal attacks, discriminatory statements or make any reference to or any statement relating to Attorney Shahi’s background. *See* Opposition to Respondent’s Motion to Continue June 7-9, 2023 Trial. She did make one typo, and apologizes for that mistake.

of June than it will be to fit three days in at any time during the summer in light of work and vacation schedules.

Conclusion

Based on the foregoing, Special Disciplinary Counsel asks the Hearing Panel to deny the Motion for Continuance in its entirety. In the alternative, Special Disciplinary Counsel asks the Panel to reschedule only the hearing date of June 7 for a date later in June 2023.

Dated: May 18, 2023

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CERTIFICATE OF SERVICE

I, Navah C. Spero, Esq., certify that, on May 18, 2023, I caused to be served my Surreply
in Opposition to Motion for Continuance of Merits Hearing as follows:

Via E-mail

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Dated: May 18, 2023

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