

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF WILLIAM C.
WATTERS, ESQ.

No. 34761

FILED

JUN 06 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER OF DISBARMENT

This is an automatic appeal from a recommendation of a hearing panel of the Southern Nevada Disciplinary Board to disbar attorney William Watters. The hearing panel concluded that Watters had violated SCR 203(3) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation) and SCR 200(2) (failure to respond to lawful disciplinary authority), and recommended that Watters be disbarred, and precluded from seeking reinstatement for a period of at least five years.

Although the recommendations of the disciplinary panel are persuasive, this court is not bound by the panel's findings and recommendation, and must examine the record anew and exercise independent judgment. See In re Kenick, 100 Nev. 273, 680 P.2d 972 (1984). Having reviewed the record of the proceedings before the panel,¹ we conclude that clear and convincing evidence supports the panel's findings, and that the recommended discipline is appropriate in light of the

¹Watters failed to file an opening brief in accordance with SCR 105(3)(b), so this matter was considered on the record only.

misconduct shown, and so approve the panel's recommendation in its entirety.

Henry and Ellen Kuo, formerly clients of Watters, obtained a judgment against Watters for \$115,000 in compensatory damages, \$5,000 in punitive damages, interest and costs. At the time judgment was entered, Watters was attempting to purchase a home. He had qualified for a loan, but the existence of the Kuos' judgment prevented the transaction from closing.

Evidence presented at the hearing indicates that Watters contacted the escrow officer handling the purchase, and informed her that the judgment would be set aside. He faxed to her a document that purported to be a stipulation and order setting aside the Kuos' judgment. The escrow officer forwarded the document to the title company.

The title officer handling the transaction became suspicious of the stipulation because it did not have a case number, although it appeared to have a file-stamp and the judge's stamp, and because the second page of the document began in the middle of a sentence and appeared to be in a different typeface from the first page. He therefore went to the court clerk's office to review the case file, and discovered that no such stipulation appeared there. He contacted the Kuos' current counsel, who confirmed that no stipulation had been entered into. Further investigation revealed that part of the document submitted by Watters had been copied from a stipulation in another case. We conclude that Watters' willful falsification of a court document in

order to obtain a personal benefit constitutes a violation of SCR 203(3).

After this disciplinary proceeding was initiated, Watters failed to cooperate in setting a date for an informal hearing, and failed to respond to numerous attempts by bar counsel and bar staff to contact Watters. Watters failed to appear for the informal hearing, and a formal complaint was filed. Watters finally filed a two-sentence answer after a notice of intent to take default had been sent to him. The record indicates that Watters then deliberately evaded personal service of the notice of formal hearing, but was properly notified of the hearing pursuant to SCR 109(2). Watters failed to respond to bar counsel's attempts to contact him, and failed to appear at the formal hearing. We conclude that Watters' continual failure to respond constitutes a violation of SCR 200(2).

We further conclude that the recommended discipline is appropriate in light of Watters' deliberate attempt to defraud the loan, escrow and title companies, and his persistent refusal to respond to lawful disciplinary authority. SCR 116(2) provides that an attorney who has been disbarred may not petition for reinstatement for "at least 3 years." This language indicates that a longer period may be imposed in appropriate circumstances.

Accordingly, we disbar Watters from the practice of law in this state. Any future application for reinstatement shall be made in accordance with SCR 116, and may not be made sooner than five (5) years from the effective date of this order. Watters shall pay the costs of the disciplinary

proceeding. The parties shall comply with the notification provisions of SCR 115.

It is so ORDERED.

Rose, C.J.
Rose

Young, J.
Young

Maupin, J.
Maupin

Shearing, J.
Shearing

Agosti, J.
Agosti

Leavitt, J.
Leavitt

Becker, J.
Becker

cc: Gary R. Goodheart, Chair,
Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Wayne Blevins, Executive Director
Dee Shore, Admissions Office,
Supreme Court of the United States
William C. Watters