

**IN THE SUPREME COURT FOR THE STATE OF IOWA
NO. 19-1438**

**IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD,
Complainant-Appellee**

vs.

**ABRAHAM WATKINS,
Respondent-Appellant.**

**APPEAL FROM IOWA SUPREME COURT
GRIEVANCE COMMISSION**

RESPONDENT/APPELLANT'S FINAL REPLY BRIEF

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**THE STATE’S AUTHORITY DEMONSTRATES THAT A PUBLIC
REPRIMAND IS THE APPROPRIATE SANCTION**

In its brief, the State relied on several authorities to argue that Mr. Watkins’ six-month suspension is an appropriate sanction for his conduct. Each of these authorities is distinguishable, and each of them were distinguished in Mr. Watkins’ brief. Simply put, Mr. Watkins has gone above and beyond in accepting responsibility for his actions and attacking the root causes of his behavior with the assistance of mental health professionals and mentors.

The State cites *Disciplinary Counsel v. Skolnick*, 104 N.E.3d 775 (Ohio 2018) as persuasive authority from Ohio to support its request for a six-month suspension. In *Skolnick*, an attorney who was verbally abusive to a member of his staff for two-and-a-half years was given a one-year suspension, with six months of his suspension stayed. *Skolnick* does not provide a useful comparison as to either Mr. Watkin’s conduct or his rehabilitation.

First, the conduct in *Skolnick* was far more severe, pervasive, and harmful to the victim than in Mr. Watkins case. Mr. Skolnick’s conduct was undeniably, purposefully abusive:

Almost immediately after L.D. began working as a paralegal at Skolnick’s law firm in August 2011, Skolnick began criticizing and verbally harassing her. He hurled insults and called her stupid, dumb, fat, “whorey,” and bitch. Skolnick also called L.D.’s husband a “douche bag” and made fun of her mother, though he had never met her.

Id. at 776.

By contrast, Mr. Watkins did not have the intent to harm, belittle, demean, or control Ms. Wallingford or Ms. Barchman. He was close friends with Ms. Wallingford and she was a fixture in his family's life. His behavior was unprofessional, but it was not born out of malice.

Second, Mr. Skolnick's behavior was ceaseless:

Skolnick's verbal insults and harassment continued throughout L.D.'s nearly two-and-a-half-year tenure with the firm. At some point, L.D. began recording those interactions. These recordings reveal that on one occasion, Skolnick told L.D. that he would put her next to his office so that he could "watch every move that [her] despicable ass makes." During that conversation, he also told her that he had been losing weight because seeing her made him feel nauseated. Another time, L.D. left a meeting upset and humiliated because Skolnick had used foul language in front of attorneys to criticize her level of education. And in the spring of 2012, sexually harassed L.D. While Skolnick drove L.D. and another female employee to lunch, he remarked that the two women should give him "road head" so that he could rate their performances on a scale from one to ten. Skolnick also falsely told an African American client that L.D. did not like black people, a remark that upset L.D. and forced her to defend herself in front of the client.

Id. The Court listened to thirty recordings of Mr. Skolnick's abusive behavior, as he constantly humiliated and abused L.D. in front of clients and other co-workers. By contrast, Mr. Watkins' behavior was limited to sporadic conversations.

Finally, Mr. Skolnick's efforts to mitigate the harm he had done are far less meaningful than Mr. Watkins. Mr. Skolnick settled a claim for sexual harassment against him by his paralegal for the limits of his insurance policy, and explained his abuse merely by stating that "he had learned the lingo from rappers and hip-hop

artists while practicing entertainment law and that he believed he was using the phrases in more of a humorous than a harmful way.” *Id.* at 778. This explanation is disingenuous and fails to take responsibility for two-and-a-half years of abusing a subordinate. By contrast, Mr. Watkins has ceaselessly sought help to ensure that he does not commit the same misconduct—and he did so proactively, before any action had been initiated against him.

A more analogous case is *Columbus Bar Assn. v. Baker*, 647 N.E.2d 152 (Ohio 1995). Mr. Baker was struggling with addiction to alcohol and cocaine when he hired a high school student to complete clerical work in his office. On various occasions, he “used inappropriate, vulgar, sexually explicit or sexually suggestive language in the presence of this student employee.” *Id.* at 152. Later, he failed to pay the employee’s wages in a timely manner. *Id.* Although the Court imposed a six-month suspension, it stayed the suspension due to Mr. Baker’s extraordinary attempts at rehabilitation: he voluntarily entered a hospital for treatment in a two-week substance abuse program, sought treatment from a psychiatrist, regularly attended AA meetings, and sought monitoring and mentorship from the Ohio Lawyers’ Assistance Program. *Id.* at 152-53.

Like Mr. Baker, Mr. Watkins behaved unprofessionally in the past as a result of life circumstances and addiction. However, like Mr. Baker, Mr. Watkins has also made extraordinary efforts—through counseling, treatment and mentorship—to

rehabilitate himself and prevent future harm to others. “The primary goal of attorney discipline is to protect the public, not to punish the attorney.” *Iowa Supreme Ct. Att’y Disciplinary Bd. v. Barnhill*, 847 N.W.2d 466, 487 (Iowa 2014). In Mr. Watkin’s case, due to his extensive rehabilitation, a suspension is not needed.

CONCLUSION

For these reasons, public reprimand is a sufficient sanction.

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CERTIFICATE OF COMPLIANCE AND SERVICE

This brief complies with the type-volume limitation of Iowa R. App. P. 6.903(1)(g)(1) (no more than 7,000 words); excluding the parts of the brief exempted by Rule 6.903(1)(g)(1), which are the table of contents, table of authorities, statement of the issues, and certificates. This brief contains 856 words.

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I hereby certify that on November 19, 2019, I did serve Respondent-Appellant's Page Proof Brief on Appellant by e-mailing one copy to:

Abraham Watkins
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/s/ Gina Messamer.

Dated: November 19, 2019
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