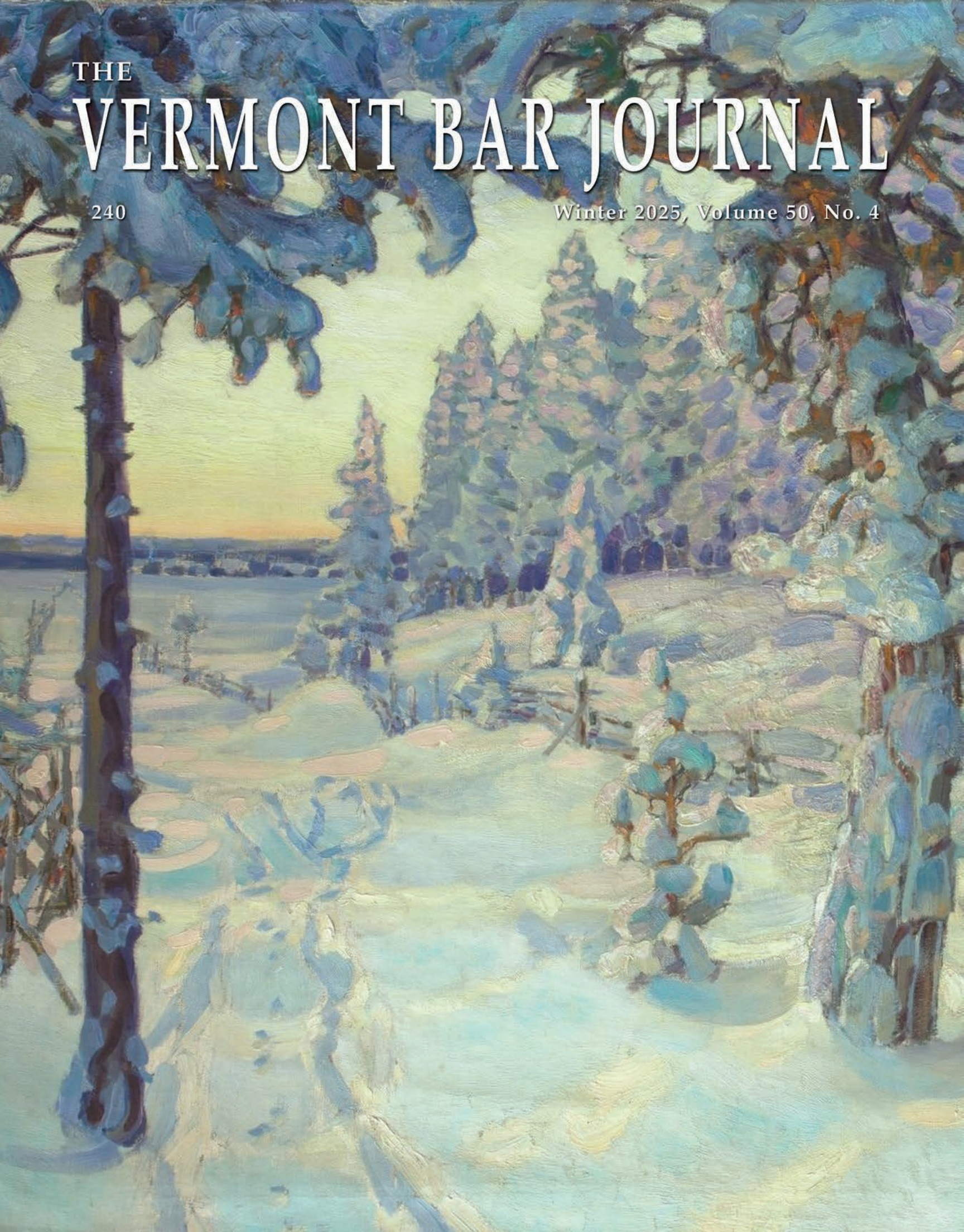


THE

# VERMONT BAR JOURNAL

240

Winter 2025, Volume 50, No. 4



# Bankruptcy, Restructuring & Creditor Rights

Our Bankruptcy, Restructuring and Creditor Rights attorneys combine depth of experience and industry-specific knowledge to help financial institutions, businesses, and individual creditors resolve obligations owed to them effectively and efficiently both in and out of state and federal courts throughout the Northeast.



**Alexandra E. Edelman**  
aedelman@primmer.com  
802-660-3327



**Ryan M. Long**  
rlong@primmer.com  
802-660-3307

To see our full-service resources, visit:

**[www.primmer.com](http://www.primmer.com)**



**PRIMMER PIPER  
EGGLESTON &  
CRAMER PC**

**Vermont**

**New Hampshire**

**Washington D.C.**

# VERMONT BAR JOURNAL

## DEPARTMENTS

### PRESIDENT'S COLUMN

5 — Ruminations On Service  
*by Joshua Diamond, Esq.*

### PURSUIITS OF HAPPINESS

6 — Elizabeth Wohl: Attorney, Aerialist, Opera Singer -  
Not Necessarily in That Order  
*Interview by Kim S. Velk, Esq.*

### WHAT'S NEW

14 — The Eighth Annual VBA MLK Jr., Middle School  
Poster/Essay Contest  
16 — New Public Utilities Law Section  
16 — Board Elections to be held at Mid-Year Meeting  
on March 28

### BE WELL

18 — The Wellbeing Benefits of Storytelling  
*Samara Anderson, Esq.*

30 — BOOK REVIEW

31 — IN MEMORIAM

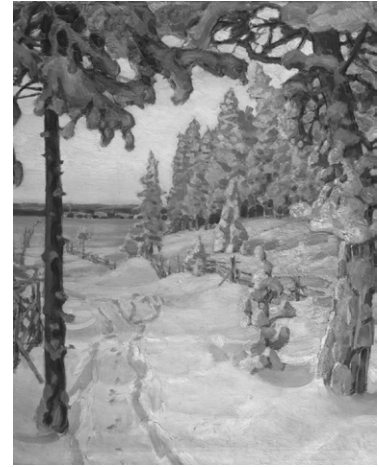
34 — CLASSIFIEDS

## FEATURES

24 — The ICC's Vermont Connection  
*The Hon. Dean B. Pineles*

26 — The Legal Landscape of Privacy: Why Lawyers Must Keep Up with Change  
*Sharon D. Nelson, Esq., John W. Simek, and Michael C. Maschke*

28 — How to Avoid Common Co-Counsel Relationship Missteps  
*Mark Bassingthwaite, Esq.*



*Apollinary Vasnetsov*  
Detail from "Winter Dream" 1914  
Oil on Canvas  
Tretyakov Gallery  
Public Domain

Try out the  
Crossword Puzzle  
by Kevin Lumpkin, Esq.  
on page 29!

# VERMONT BAR JOURNAL

Vol. 50, No. 4

Winter 2025

The Vermont Bar Association  
37 Court St, PO Box 100  
Montpelier, Vermont 05601-0100  
802-223-2020 • 1-800-639-7036  
Fax: 802-223-1573  
E-Mail: [kvelk@vtbar.org](mailto:kvelk@vtbar.org)  
On the Web: [www.vtbar.org](http://www.vtbar.org)

**President**  
Joshua R. Diamond

**Past President**  
Judith L. Dillon

**President Elect**  
Richard T. Cassidy

**Secretary**  
Kate Lamson

**Treasurer**  
Matthew F. Valerio

**Board of Managers**  
Justin A. Brown  
Jessica Bullock  
Lisa Campion  
Pam Eaton  
Jordana Levine  
Ryan Long  
Keith A. Roberts  
Hon. Timothy B. Tomasi  
Alfonso Villegas  
Breanna Weaver

**Executive Director**  
Robert M. Paolini, Esq.

**Associate Director**  
Lisa M. Maxfield

**Director of Education & Communication**  
Kim Velk, Esq.

**Programs Coordinator**  
Laura Welcome

**Lawyer Referral Service/Membership**  
Thomas Barrett

**Legal Access Coordinator**  
Mary C. Ashcroft, Esq.

**Administrative Assistant**  
Caitlin Janus

**Layout/Design**  
Alicia Anthony

Published four times a year by the  
Vermont Bar Association.

Subscription rates: 1 year \$35. 2 years \$65.  
Printed by Stillwater Graphics.

VBA assumes no responsibility for claims arising in connection with products or services advertised in the *Vermont Bar Journal*. The information in these materials is intended for general guidance and is not meant to be a substitute for professional legal advice and independent legal research. Statements of expressions of opinion or comments appearing herein are those of the authors and not necessarily those of the Vermont Bar Association.

## ADVERTISERS INDEX

ALPS .....	11
Berman & Simmons.....	21
Brooks Investigative Group, LLC.....	20
Caffry Law, PLLC.....	21
Cleary Shahi & Aicher, P.C.....	12
CLIO .....	7
Dinse .....	20
Fidelity National Title .....	18
Heritage Family Credit Union .....	21
Law Pay .....	19
Marks Powers LLP .....	8
National Academy of Distinguished Neutrals.....	17
Northeast Delta Dental .....	24
O'Connor, First, Joslin.....	13
Pajcic & Pajcic.....	9
Preferred Properties.....	28
Primmer Piper Eggleston & Cramer PC.....	Inside Front Cover
Silverlake Psychological Consultants .....	4
TCi Technology Consultants, Inc.....	Inside Back Cover
Trust Company of Vermont .....	Back Cover
Unsworth LaPlante, PLLC .....	10
Vermont Lawyers Assistance Program .....	27
VT Private Eye .....	25

To advertise in the *Journal*, call Lisa Maxfield at 802.223.2020



**NATIONAL REPUTATION.  
LOCAL EXPERTISE.**

*Specializing in forensic assessments for criminal  
and civil courts in New Hampshire and Vermont.*

**SILVERLAKE**   
PSYCHOLOGICAL ASSOCIATES

**slforensic.com • drbader@slforensic.com**  
**P.O. Box 3351 • Concord, NH 03302**

# PRESIDENT'S COLUMN

## Ruminations On Service

I attended a legal panel several months ago where Surgeon General Vivek Murthy made a presentation. During his remarks, Dr. Murthy reflected that “many say fame, wealth, and power are the markers of happiness and fulfillment. However, if you rely on these things then you are being misled. It is relationships, purpose, and service that provide long term fulfillment.”<sup>1</sup>

I have been thinking about Surgeon General Murthy's presentation and appreciate that our profession provides many opportunities for fulfillment. The ability to serve our clients and communities, which often include building relationships and finding purpose, are part of our everyday life. It often involves the simplest act of sitting down with a client, who is coming to you in their most trying time and helping them find a way to navigate the law to solve their problems. This can take many forms: helping a corporate client who needs financing to keep their operations going; counseling a client who is going through a divorce, facing a debilitating injury, or criminal charges; or serving the people as a prosecutor or as general counsel to a state agency.

Lawyers serve a special role in service to our democratic institutions and promoting justice. As Justice Brandeis once stated to his students, “the legal profession does afford in America unusual opportunities for usefulness...[A lawyer's] training fits [them] especially to grapple with the questions which are presented in a democracy.”<sup>2</sup> The preamble to the Rules of Professional Conduct recognizes this special relationship between lawyers and our democratic institutions by reminding us that, “[a] lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.”<sup>3</sup>

Recent times have shown that our democratic institutions are fragile, and they need our support. One commentator has identified that a robust democracy requires three pillars: respect for the rule of law, strong protections for civil liberties and a vibrant political process.<sup>4</sup> Those pillars are weakening because of a lack of trust. A Pew Research Study recently reported that only 23% of Americans trust the federal government's ability to solve our nation's problems.<sup>5</sup> An Annenberg Public Policy Study found that trust in the judiciary and the rule of law dropped from 75% in 2000 to 50% in 2020.<sup>6</sup>

Many in our esteemed profession active-

ly serve in our local democratic institutions and make meaningful contributions. An anecdotal survey reveals that many lawyers volunteer on planning commissions, selectboards, school boards and other critical non-profits to our communities. Lawyers often serve as elected officials or justices of the peace. We serve in the legislature and of course the judiciary.

Yet, there is more we can do. The VBA provides opportunities for serving our communities and democratic institutions through civil education. We spent time in our local schools teaching the next generation about the rule of law and the importance of an independent judiciary. One such opportunity is Law Day. This spring, the VBA and our County Bars will be providing Law Day programming at our local middle and high schools. This year's theme is, “The Constitution's Promise: Out of Many, One.” The 2025 Law Day theme urges us to take pride in our Constitution, which bridges our differences to bring us together as a united nation. Our civic lives tie us together as one “We,” whether through legislative efforts that serve the common good, through military service, or by working together, every day, to fulfill the promise of *E pluribus unum*, or “Out of many, one.” More information about opportunities to participate in Law Day programming will be coming to VBA members in the coming weeks. So, stay tuned!

VBA also provides opportunities to serve our democratic institutions through access to justice programs. Access to justice is essential if we want to strengthen the rule of law. The VBA promotes this work through its low bono programs run by our own Mary Ashcroft. The low bono programs match lawyers, who agree to be compensated at a reduced rate paid by the VBA for matters including:

- Helping crime victim's legal needs, no stalking orders or other family law proceedings.
- Providing advice to small businesses whether it be HR, negotiating lease agreements, or intellectual property.
- Helping victims of with extreme weather events, such as flooding.

The VBA has secured funding for these programs, but we often lack attorneys to assist.

- Only 47% of crime victims who request legal assistance are placed with an attorney.



Joshua Diamond, Esq.

- 29% of small business owners who request assistance go without.

We should take stock and appreciate the contributions that our profession makes every day in the lives of community members. The service we provide makes a meaningful difference in our clients' lives and the institutions where we participate. I realize the needs of our communities can sometimes feel limitless. But, I encourage you to join me in finding those areas where you can do more, such teaching a Law Day presentation, taking a low bono case, or serving on a volunteer board. Not only will you make a meaningful contribution in your community, but the sense of personal fulfillment is priceless.

<sup>1</sup> Vivek Murthy, AGs *Looking Out for the Next Generation*, National Association of Attorneys General Capital Forum (Dec. 9, 2024)

<sup>2</sup> Louis D. Brandeis, *The Opportunity In The Law*, Address to The Harvard Ethical Society (May 4, 1905) [Microsoft Word - Brandeis-TheOpportunityInTheLaw\(edited\).docx](#)

<sup>3</sup> Vt.R.Prof.Cond., Preamble at ¶ 1 [Vermont Rules of Professional Conduct.pdf](#)

<sup>4</sup> Sarah Repucci, *Reversing the Decline of Democracy in the United States*, Freedom House (2022) [Reversing the Decline of Democracy in the United States | Freedom House](#)

<sup>5</sup> Pew Research Center, *Public Trust in Government 1958-2024* (June 24, 2024) [Public Trust in Government: 1958-2024 | Pew Research Center](#)

<sup>6</sup> See Annenberg Public Policy Center, *Report Finds 'Withering of Public Confidence in the Courts*, Univ. of Pennsylvania (June 29, 2024) [Report Finds 'Withering of Public Confidence in the Courts' | The Annenberg Public Policy Center of the University of Pennsylvania.](#) 🗣️

# PURSUIITS OF HAPPINESS

## Elizabeth Wohl: Attorney, Aerialist, Opera Singer – Not Necessarily in That Order

**KSV:** Hi Elizabeth. As you know, for this feature, we talk to attorneys who have interests and passions outside of the practice of law which help keep them balanced. After knowing you professionally for several years, I learned last year that you are an opera singer and an aerialist – as in circus-arts aerialist – and that you combine the two things in performance. We’re going to talk all about that – but let’s start with your origin story. Where are you from? How did you wind up in Vermont?

**EW:** I was born in Philadelphia, and raised in Sheridan, Wyoming. My parents moved there when I was two so that my dad could become the second doctor in a booming pediatric practice. My parents met when they were campers at the Farm and Wilderness Summer Camps in Plymouth Vermont, and I had the great privilege of being a camper there as well. I attended college in Connecticut (probably in part because of geographic diversity) and worked at Farm and Wilderness both during and after college. I met my wife there as well.

**KSV:** And how about the path your law career has taken. Can you sketch that out for me?

**EW:** Well, I double-majored in English Literature and Government in college and was active in Student Government. I spent three years after I graduated working at Farm and Wilderness. I fell in love with Vermont in all its seasons while I was plowing snow, milking cows, tending chickens, building small buildings and teaching girls to use power tools. By the end of that time, I knew I was going to be deaf and have a bad back before I turned 30 if I kept it up. I thought maybe I wanted to be a judge. I’d always been interested in public service of some kind. Law school seemed like a safe, practical option.

Immediately after I graduated from VLS I clerked for a Federal District Court Judge in Wyoming, Judge Downes. My wife made me promise that I’d get us back to Vermont. Thank goodness Justice Marilyn Skoglund at the Vermont Supreme Court hired me for a clerkship. Both were such great opportunities. My wife and I knew we wanted to settle in Brattleboro, and at the time Downs Rachlin Martin was looking for a litigation associate. I started as an environmental litigator but eventually turned my focus to health law. I was elected to the directorship

and became chair of their health law practice group. After three years as a director, my biggest client, the Brattleboro Retreat, announced that it was looking for a General Counsel. They conducted a nationwide search, but in the end, they hired me, and I started there eight years ago.

**KSV:** Can you talk a little about what your current job entails?

**EW:** I currently serve as General Counsel to the Brattleboro Retreat, Vermont’s oldest hospital, and only private free-standing psychiatric hospital. The Retreat delivers mental health care to patients through one of the largest outpatient practices in the state. We provide outpatient psychiatry and therapy as well as specialty programs for people with treatment-resistant depression who are often referred to us by other providers in the region. We have a residential program for children, a partial hospitalization program for adults, and 100 inpatient beds which deliver high-intensity psychiatric care to children, adolescents and adults. In addition, we have Retreat clinicians embedded in many primary care practices in town, and we provide robust support to two different community partnerships focused on supported housing and people experiencing homelessness. It is truly an honor to serve this organization. My role is to supervise outside counsel, provide strategic advice to the Executive Team and the Board of Trustees, interface with myriad regulators, and I do my best to be available to the providers: physicians, APRNs, social workers, and nurses whose work occasionally means they bump into tricky legal issues. I provide support to the folks providing care to involuntary and forensic patients, and interface with the Department of Mental Health, the Mental Health Law Project, Disability Rights Vermont, and Mad Freedom Advocates regularly. I provide support to the quality department, the compliance department, and the HR department. One of my favorite parts of the job is supporting the Retreat’s Consumer Advisory Council—a hospital committee made up of current and former patients and family members who meet monthly to inform the hospital’s development of policies, procedures and new programs.

**KSV:** I know something about your job at the Retreat from my own past as one of the

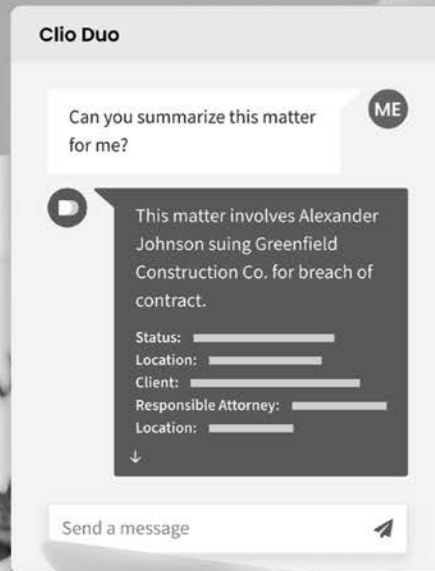


Elizabeth performs “Carmen” at NextStage Arts in Putney. Photo by Elsie Smith

assistant attorney generals assigned to the Department of Mental Health. I know how challenging it must be. But I learned more just now, and your job is even harder than I thought! You mentioned your wife. That is, of course, Becca Balint, the sole member of the House of Representatives from the state of Vermont. Being the spouse of a congress person has got to carry some challenges. Oh, and you and Becca also have two teen-aged kids. Can you talk a little about your work-family life balance?

**EW:** Ha! I’ve spent the last 15 years of my life, at least, trying to define “work-life balance” in various groups (primarily of women, but more and more with men and gender-queer folks too). Generally, the consensus seems to be that there is no such thing as a permanent work-life balance. Instead, every working person I know is trying to juggle too many balls. For me, the key is understanding which balls are plastic and which balls are glass. I try only to drop the plastic balls. (Sometimes they change from plastic to glass while they are in the air, and you have to shift things around in order to be sure that you catch the glass ones before they hit the ground.) If a plastic one drops, then you apologize, make it right and move on.

# Meet Clio Duo, your legal AI partner.



## Do more with Duo:

- Quickly find essential information to keep you focused and on track
- Spend less time poring over documents with instant summaries
- Prioritize your task list so you always know what to work on next



Scan to learn more



# MARKSPOWERS<sup>LLP</sup>

*Prepared. Patient. Persistent.*



**DONALD (TAD) POWERS, ESQ.<sup>+</sup>**

**MICHAEL MARKS, ESQ.<sup>+</sup>**

**ADAM L. POWERS, ESQ.**

## THE MEDIATION FIRM

*<sup>+</sup>National Academy of Distinguished Neutrals*

*<sup>+</sup>Best Lawyers for Mediation & Arbitration*

[www.markspowers.com](http://www.markspowers.com)

1205 THREE MILE BRIDGE ROAD  
MIDDLEBURY, VT

**(802) 388-2211**

*Call Kristin or check website for availability.*

Lots of families have one partner who travels for work, so in that way our family is like any other family where one partner is in sales, or long-haul trucking, or consulting. The actual Congress part is fascinating for us. We are all government geeks in our family—I think most lawyers are—and honestly, my reverence

for the incredible institutions that the American people have created over the nearly 238 years of our Constitution increases every time I get to visit Washington. Our federal government is a remarkable, broad, sprawling, and sometimes inefficient apparatus, but wow! When Americans work together, we can do incredible things on a truly awe-inspiring scale.

In terms of balance, Becca and I have the great advantage of not having culturally ingrained gender-roles infusing the dynamics in our marriage. But even so, as a family, we are constantly trying to assess who has the capacity to get a kid to the dentist, and whose work is going to require them to miss dinner or a school event. Having teenagers means that they can help around the house, but it also means that they have more responsibility at school, and big decisions about their next steps, and sometimes they need help navigating that too. When Becca can't be here in person, she often helps with homework over the phone. At the end of the day, good communication and a willingness to stay flexible helps us keep the glass balls in the air 98% of the time.

**KV:** As noted, the reason we're talking here is that, infused in all of this, you are an opera singer and an aerialist – as in circus-arts aerialist – and you combine the two things in performance. How did this happen? Can we start with your history with opera?

**EW:** I grew up surrounded by music. My mom always sang to us, and I cannot remember a time when I didn't sing. My public school system had very strong music programs, so by the time I was in high school I sang in two choirs and played in the orchestra. Looking back on it now, I feel so privileged to have had three music classes every single day. I loved musical theater and auditioned for every play I could. Still, opera felt like a strange, exotic world—not something that ordinary people like me could just



*Elizabeth sings "Juliette" at NextStage Arts in Putney. Photo by Elsie Smith*

learn how to do. In my high school, if you expressed interest in majoring in anything other than business or communications, people would say, "oh, an English major, 'Would you like fries with that?'" Meaning, with an impractical major like music, theater, or English, one was destined to work in a fast-food restaurant. I remember standing at the piano in my high school music room and saying, "Maybe someday I'll be an opera singer." It felt as out of reach as if I'd said, "Maybe someday I'll be the pope."

But then I went to college and started voice lessons and in my first week there, my voice teacher said, "you can make a career out of this if you want to." All I could hear was "would you like fries with that?" But I LOVED singing, and I especially loved singing and acting together. I studied classical vocal performance in college for four years—I gave a senior recital and sang the role of Dido in Purcell's "Dido and Aeneas;" and, as you already know, I double majored in English Literature and Government—to ensure that I did not end up serving French fries forever.

Most people who make careers in opera go on to get a master's degree in vocal performance. I didn't. That's same voice teacher also told me, "If you can do anything else, and be happy, you should do that." Lots of young singers get that advice, and honestly, I think it's the worst advice imaginable. At the time I thought, "well I'm interested in a lot of things. Surely, I can be happy doing something else." So, I did not continue studying music.

**KSV:** What advice would you give to young singers who were facing that same decision?

**EW:** I would tell them that they should (1) only stop singing if they stop enjoying it, (2) they should figure out what their services are worth, and charge for them, and (3) they should understand that in America, people don't seem to understand that artists also



THE LAW FIRM OF  
**Pajcic & Pajcic**  
Since 1974

# DO YOU HAVE A SERIOUSLY INJURED CLIENT AND NEED TO LITIGATE IN FLORIDA?

**We can help. Seth Pajcic is dual licensed in  
Vermont and Florida and is accepting new cases.**

For more than 45 years, The Law Firm of Pajcic & Pajcic has represented individuals and families who have suffered a serious injury or wrongful death because of the fault of others. Some of our practice areas include car, motorcycle and truck crashes; as well as litigation involving medical malpractice, dangerous consumer products and unsafe motor vehicles.



WE HAVE HANDLED MORE  
THAN 10,000 CASES AND  
RECOVERED OVER \$1 BILLION  
FOR OUR CLIENTS.

OUR 13 ATTORNEYS HAVE  
MORE THAN 350 YEARS  
OF COMBINED LEGAL  
EXPERIENCE AND ZEALOUSLY  
REPRESENT INJURED CLIENTS  
IN THEIR TIME OF NEED.

(904) 358.8881 | [WWW.PAJCIC.COM](http://WWW.PAJCIC.COM) | ONE INDEPENDENT DRIVE, SUITE 1900 | JACKSONVILLE, FL 32202

## Estate Planning, Elder Law & Medicaid Planning

*Providing Peace of Mind for  
Families and Loved Ones*

### Our Services:

- Preserve Your Assets While Qualifying for Medicaid
- Comprehensive Estate Planning: Wills & Trusts
- Expert Assistance with Medicaid Applications
- Efficient Trust Administration

**Ellen B. LaPlante, Esq.**  
**Wendy S. Hillmuth, Esq.**

Members of the American  
Academy of Estate Planning  
Attorneys & National  
Academy of Elder Law  
Attorneys.



26 Railroad Avenue | Essex Jct., VT  
(802) 879-7133

*For FREE consumer reports,  
articles and estate planning  
webinars, please visit us at*  
**unsworthlaplante.com**

need access to healthcare, so they should expect to find some other job (or a spouse) that will provide them with health insurance.

**KSV:** Was it that bad advice that eventually sent you to law school?

Sort of. That advice, plus, courtrooms look like the-

aters, so I thought maybe I could be happy in that physical space. Honestly, I was too scared to admit that I really wanted to be an opera singer, because I wanted it so much. And it seemed like such a gamble. I went to law school because it was safe and responsible, and I was interested in the way societies organize themselves. But I missed music desperately. Fortunately, I auditioned for the Handel Society at Dartmouth College. As soon as I started singing again, everything about law school became easier, and my grades improved dramatically. The year that Becca and I settled in Brattleboro, I saw an ad in the local paper for opera auditions. Thus, in 2008, I met a group of musicians dedicated to making opera in Brattleboro. I still perform with them today.

**KSV:** And how did the aerialist component develop?

**EW:** Brattleboro is home to the New England Center for Circus Arts (NECCA)—the longest running professional training program for circus in the United States. NECCA's custom-built trapezium contains world-class circus training facilities that rival the Las Vegas Circus Center and the Ecole Nationale Du Cirque in Montreal. But in addition to professional circus training, NECCA offers classes for everyone from 18 months to 103+. It happens to be less than a mile from my house. I have a deep dance background: I started tap and ballet when I was six and started assisting at my local dance school when I was 11. I love moving to music, but I never considered myself an athlete, and upper body strength was always really challenging for me. When I first saw NECCA students performing on aerial fabric I desperately wanted to learn how to do it. I took my first class in March of 2013, and honestly, it was so challenging that I almost quit. I was so discouraged.

**KSV:** What kept you going?

**EW:** Fortunately, Becca cheered me on,



*Elizabeth performing at the Latchis Theater in Brattleboro. Photo by Elsie Smith*

and I am very stubborn, and a little competitive, so I stuck with it until I began to see improvement.

**KSV:** You went from taking classes to being a performer – how did that develop?

**EW:** Well, it's probably pretty obvious, but I've never met a stage I didn't like. A lot of people in Brattleboro do circus just for the community and the fitness part of it, but I had a coach early on who encouraged me to start performing. She literally said, "When are you going to perform, that's why we do, right?" She was right. I performed my first act in 2015, and in 2016, I created a one-woman aerial-vocal recital that incorporated aerial acrobatics with songs by Leonard Bernstein, Aaron Copeland, Gounod, Handel and Mozart. At the time, I didn't have the aerial skills I have now, but I knew that I wanted to test the concept of combining aeri-als and vocals. It worked, and the concert raised about \$200 for NECCA and for the Brattleboro Music Center where I was taking voice lessons at the time.

In 2017, I was diagnosed with melanoma, and I had to take some time off from circus to recover from the surgery. Then in 2018 and 2019, I took on major roles in local opera productions, so I scaled back my aeri-als a bit at that point. But in 2020, when COVID hit, all singing in public basically stopped. NECCA closed completely for about 10 weeks in the spring, but then it opened back up, and when it did, I started doubling-up on circus classes—training for three hours a night once a week in the trapezium and a couple other times a week at home. I have a free-standing aerial rig. At the time, in 2020, I thought my performing career was over, but in retrospect, COVID made me a much stronger, more skilled aerialist.

**KSV:** Where did you go from there, as a performer?

**EW:** I first performed Carmen's "Habane-

# HOW MUCH DOES LEGAL MALPRACTICE INSURANCE COST?

Get a price range for your firm  
with our LPL Price Calculator.



[bit.ly/lplcalculator](https://bit.ly/lplcalculator)



Proudly endorsed by the  
**Vermont Bar Association**





**David L. Cleary**  
Cleary Shahi & Aicher, P.C.

**Mediations,  
Arbitrations, and  
Early Neutral  
Evaluations**

National Academy of  
Distinguished Neutrals

American Arbitration  
Association.

Past-President of the  
International Academy  
of Trial Lawyers

Cleary Shahi & Aicher, P.C.  
110 Merchants Row, 3<sup>rd</sup> Floor  
Rutland, Vermont 05701  
(802) 775-8800, ext. 17  
[dlc@clearyshahi.com](mailto:dlc@clearyshahi.com)

**check availability at:**  
[www.nadn.org](http://www.nadn.org)

ra" on aerial rope in 2021, and I debuted Juliette's aria "Je Veux Vivre" on aerial fabric in 2023. In January of 2023, I started an LLC, to house the business side of this work. Over the last two years, Arc Benders Circus Opera LLC has given more than 23 performances across New England in small theaters, large theaters, and numerous outdoor spaces. Our shows have grown to include other singers and acrobats, and a variety of different musicians. The thing I'm most proud of is that during the summer of 2024 we performed a condensed version of Mozart's "Die Zauberflöte" ("The Magic Flute") in collaboration with a small ensemble from the Champlain Philharmonic Orchestra. It was so fun, and we got such good feedback that my goal for 2025 is to bring this show to as many people as possible.

**KSV:** Do you have dates and times and locations for those yet?

**EW:** I'm performing and teaching in Wyoming in February. We've applied to the Providence Fring Festival for July, the Hupstate Circus Festival for August, and the Rochester Fringe Festival for September. I've also got a new show going up at NEC-CA in early October. Right now I'm really focusing on the booking the second half of 2025 and early 2026.

**KSV:** You told me as we were doing some preparation for this that one hesitation you had in doing so was that you wouldn't want anyone to get the idea that this was a just pastime or a hobby for you. Can you tell me about that?

**EW:** I once heard Yannick Nezet-Seguin, the Music Director for the Metropolitan Opera, refer to the singers he was working with as "stage animals," meaning he could trust them to take the stage and connect with their audience. When I heard him say it, I thought, "That's me! That's what I am!" I cannot remember a time when I didn't want to be on stage, or when I didn't feel most at home on a stage--in a theater. For the people that I work with, it is not actually about seeking attention or gaining personal glory. We take the stage to embody characters and tell stories that bring a sense of wonder and delight to our audience. And I recognize the very great honor it is to have each audience member's attention for the time they choose to spend at a show. I truly believe that live performances (music, theater, dance, circus—all of them) are a co-creation between the audience, the people on stage, and all the people backstage that make it happen. So, for me, performing is a calling: a vocation, and a profession, and during the times in my life when I have tried to ignore the call, I have suffered as a result.

**KSV:** This combination of opera and aerialist is so unusual – or so it will seem to most

people. Is it something you invented? Are there others in the same space?

**EW:** I definitely didn't invent it. I didn't know anyone who was doing it when I started, but they were out there. There are a lot of aerialists who sing other kinds of music—Pink! most famously—and others who sing jazz or pop. Many folks also use other apparatuses like trapeze or aerial hoop (known as lyra) because in those you can sit on the bar and sing, so it's a little easier. I don't like to say this too loudly because I don't want to sound arrogant, but I think I am currently the person combining the most challenging aerial skills with the most challenging vocal pieces. (I mean, is anyone else singing the Queen of the Night while holding themselves up 20 feet in the air by only their armpits?) Soon, some whippersnapper will come up behind me and make what I do look like child's play, but for now, I'm just going to keep pushing those boundaries.

**KSV:** Do you have longer-term plans for your performing life? What are those? How do you see them fitting with your lawyer life?

**EW:** Indeed, my longer-term plan is to bring circus-opera to the people—all over the country—but especially in rural parts of the country. The traveling theater companies that came through my small hometown when I was growing up had a huge impact on me. I truly believe that involving audiences in something as magic as an opera is a way to build peace and community. Big nation-wide tours are not really in the cards while my kids are in high school, but I'm hoping to slowly and steadily expand Arc Benders Circus Opera's reach year by year.

My dream is to become the Martha Graham or the Twyla Tharp of aerial opera--creating and performing aerial operas well into my advanced years.

How will I fit this broader vision into my lawyer life? I don't know yet. I do really truly love the work I do for the Retreat, so as long as I can be faithful to both careers, I think I will stick with them. But there are many other talented health lawyers who could be the Retreat's General Counsel, and there's no one else who does the aerial opera work that I am doing right now. So, at some point, if I can't do a good job at both, I will have to choose one, and I hope I will be in a position to choose aerial opera.

**KSV:** Elizabeth, you are an inspiration. Thanks so much for sharing your pursuit of happiness.

Do you want to nominate yourself or a fellow VBA member to be interviewed for Pursuits of Happiness? Email [info@vtbar.org](mailto:info@vtbar.org).

---

# O'CONNOR · FIRST · JOSLIN

O'CONNOR, O'CONNOR, BRESEE & FIRST, PC

## ATTORNEYS AT LAW

If you need results, trust in a law firm with experience.  
Our attorneys pursue smart legal solutions that save  
*our clients time and minimize costs.*



Terence P.  
O'Connor



Peter B.  
Joslin, Sr.



P. Baird  
Joslin, Jr.



Curtis L.  
Carpenter



Elizabeth B.  
Yoquinto

*We are an Albany, New York/Burlington, Vermont-based law firm focusing on all aspects of civil litigation throughout upstate New York and all of Vermont. The firm offers rock solid litigation expertise concentrating in the defense of medical malpractice claims; medical licensing board issues; and general and commercial liability litigation.*

*Also offering Mediation Services by Terence P. O'Connor*

---

NATIONAL ACADEMY OF DISTINGUISHED NEUTRALS / APPOINTED FEDERAL COURT MEDIATOR

## WHAT'S NEW

# Results for the 8th Annual VBA Martin Luther King, Jr. Middle School Poster-Essay Contest

Each year, a committee comprised of representatives from the VBA staff, the VBA Diversity Section, and the VBA Young Lawyers Division, chooses a quotation by Dr. Martin Luther King, Jr. to inspire Vermont's middle school students to participate in a Poster-Essay Contest. This year's quotation was, "If you can't fly then run, if you can't run then walk, if you can't walk then crawl, but whatever you do you have to keep moving forward." This comes from a speech that Dr. King made at Barratt Junior High School in Philadelphia on Oct. 26, 1967.

Students from around the state are invited to participate. After removing the names and identifying information from the entries, the judges choose a winner, a first runner-up, and a second runner-up. The judges this year were again impressed with the varied and thoughtful responses of the contestants.

In addition to being published on the VBA website and in the Vermont Bar Journal, the winning entries were displayed at the VBA Young Lawyer's Division Mid-Winter Thaw in Montreal over the 2025 Martin Luther King, Jr. holiday weekend. They will also be displayed at the Vermont Supreme Court. In addition, the winners and their families will be invited to an award ceremony in February with Governor Phil Scott to be followed by a meeting with the Vermont Supreme Court justices. All entries outside of the top three were awarded honorable mentions, all of which were well-deserved.

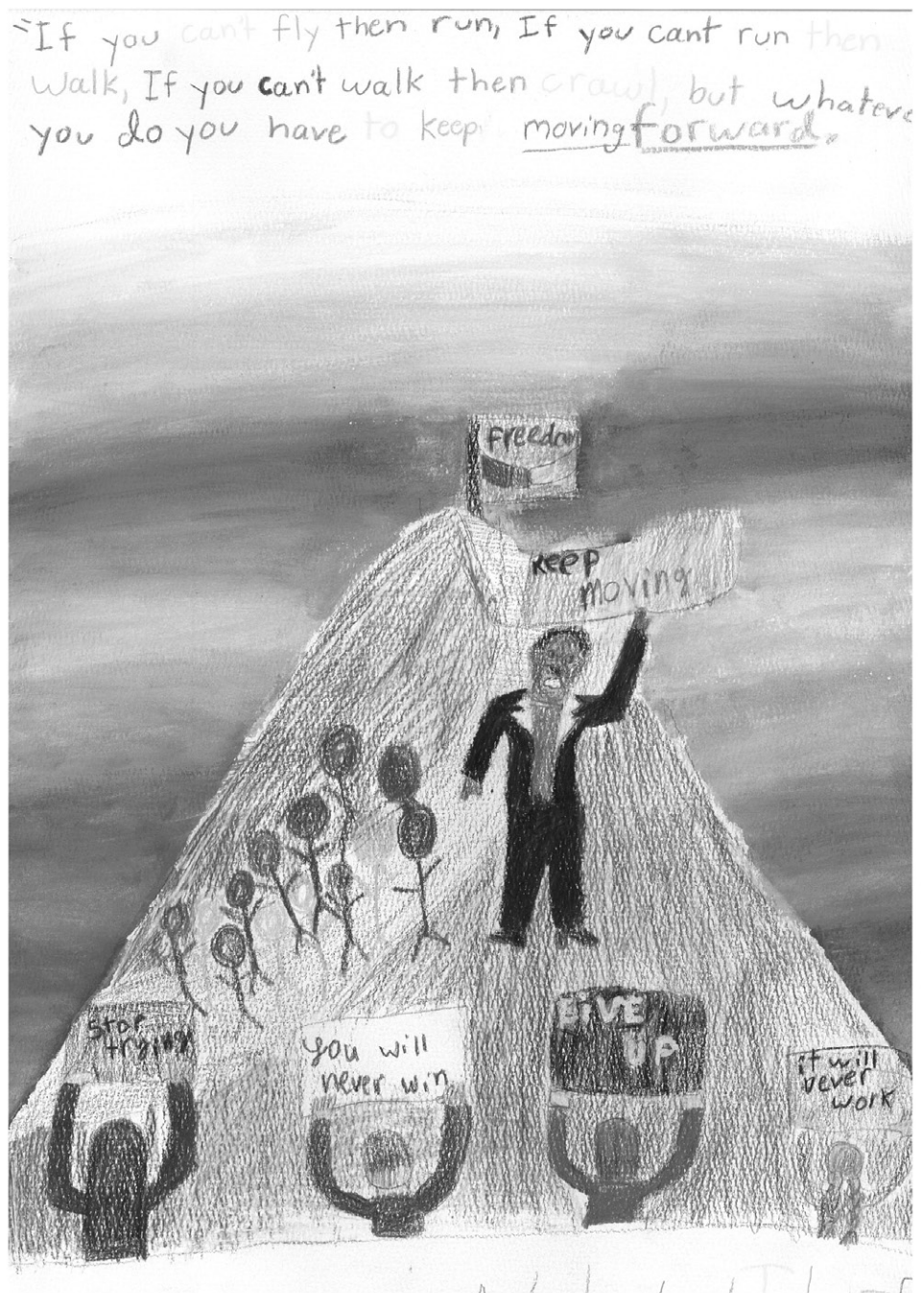
The VBA congratulates the winners and all the participants!

### 2025 Winners

**First Place:** The top prize this year went to the team of Josie Hayes and Sarah Duggan, 5<sup>th</sup> Graders at Main Street Middle School in Montpelier. The judges were particularly impressed with their essay which demonstrated real insight into the quotation. The winning pair also included some research into King's life, noting he was jailed 25 times but "kept pushing on." The essay also notes that the struggle for equality continues, using the gender wage gap as an example. The poster features a mountain to represent the barriers still to be overcome. The first-place essay is printed below.

**First Runners-Up:** The team of Phoebe Barnard and Elsa Willner, 5<sup>th</sup> Graders at Main Street Middle School, took the first runners-up prize. Their poster was particularly joyous, showing Martin Luther King, Jr.

giving a speech before a diverse and happy crowd. Their essay describes their thought process in using the image to convey MLK's hopeful message.



First Place

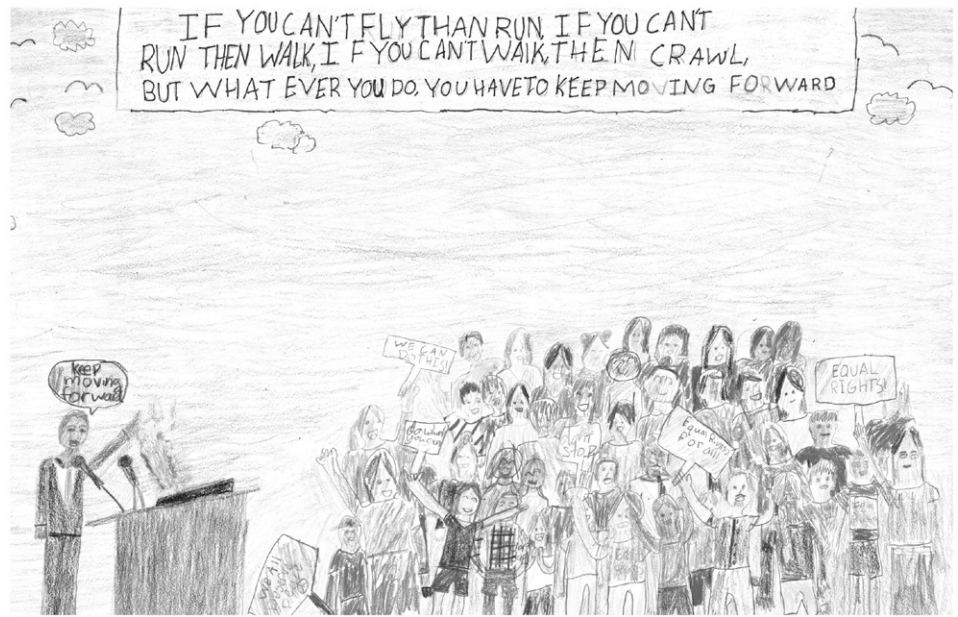
**Second Runners-Up:** The team of Ira Kim and Hendrix Burton, also fifth graders at Main Street Middle School in Montpelier, took the second runners-up prize. Their poster depicts a person walking, a hawk flying, a cheetah running, and, subtly, some worms crawling underground. The hawk carries a banner reading, "if you can't fly, run." The running cheetah is labeled, "if you can't run, walk." The walking figure carries a sign that says, "If you can't walk, crawl." In the foreground, in the underground, the worms spell out, "but whatever you do, keep moving forward." The judges were impressed by the team's ingenuity in representing the quotation. Their essay also demonstrated thoughtfulness and insight. They noted that MLK's statement was more than a metaphor but encourages young people to literally keep pushing toward a better more equal world.

**First Place Essay:**

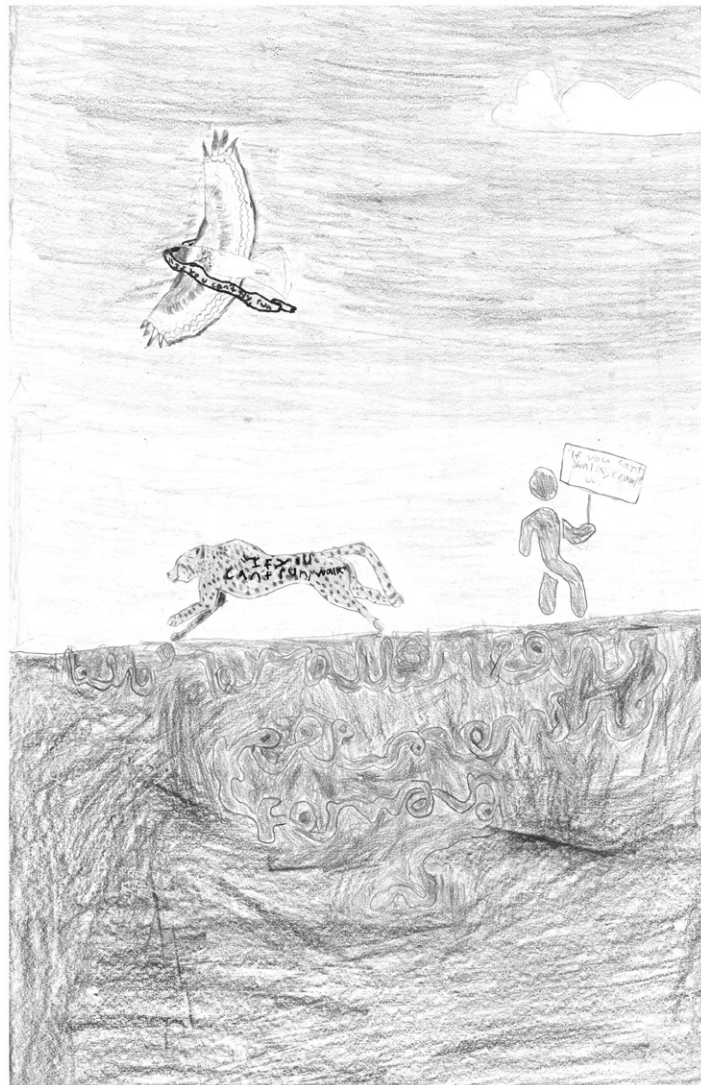
"If you can't fly then run, if you can't run then walk, if you can't walk then crawl, but whatever you do, you have to keep moving forward." This quote was given in a speech by Martin Luther King at Barrett Junior High School on October 26, 1967 in Philadelphia.

This Quote doesn't literally mean to fly, but to keep believing in your goals, and even when things are hard you have to keep moving forward. Our poster reflects on how Martin kept pushing on even though some people didn't agree with his protests, marches, and speeches about black rights. The people at the bottom of the mountain with negative comments represent some of Martin's struggles and challenges. The mountain he is walking up is steep and rough just like his life at some points, he was even thrown in jail more than 25 times, but he still kept pushing on.

Even now some people still don't have equal rights, and not just people of color, for every dollar a man makes a woman makes 82 cents, at the same job, and people who believe in different things can get hurtful comments toward them. This all ties to the quote because it shows us that the world is not perfect yet and we have to keep trying to get it there. But all in all Martin Luther King Jr. was an inspirational man that changed our world for the better. 🌍



First Runner Up



Second Runner Up

# WHAT'S NEW

## VBA Establishes Public Utilities Law Section

The Board of Managers of the VBA approved the creation of a section for Public Utilities Law at its meeting on Oct. 23, 2024. The co-chairs of the new section are Joslyn L. Wilschek of the Wilschek Iarrapino Law Office, PLLC in Montpelier, and Jennille Smith.

Wilschek represents a variety of petitioners before the Public Utility Commission (PUC) with a primary focus on energy, battery storage, the electrical grid, and water. Smith is a Vermont attorney specializing in critical infrastructure development across broadband, telecommunications, utility-scale solar, and homeland security sectors. She counsels developers on public-private partnerships, strategic growth planning, M&A guidance, regulatory compliance, risk assessment and mitigation, policy advocacy, program development and deployment, stakeholder engagement, and high-stakes problem resolution.

The section will provide an opportunity for attorneys that practice before the Vermont PUC to collaborate. The PUC is an independent, three-member, quasi-judicial commission that regulates the siting of electric and natural gas infrastructure and supervises the rates, quality of service, and



Jennille Smith



Joslyn Wilschek

overall financial management of Vermont's public utilities: electric, gas, energy efficiency, telecommunications, cable television (terms of service only, not rates), water, and large wastewater companies.

A forum has been created for the new section on VBA Connect. Any VBA member interested can reach out there to ask questions or make suggestions. 🗣️

# WHAT'S NEW

## Board Elections to be held at Mid-Year Meeting on March 28

The next big in-person meeting of the Vermont Bar Association will take place on March 28 at the Equinox Resort in Manchester. Registration details will be coming soon. Mark your calendars.

At lunch we will hold our business meeting, which will include elections for various VBA Board of Managers positions. The slate of candidates was determined by the nominating committee of the Board at its meetings in December and January. It is as follows:

- President elect, Jordana Levine
- Secretary, Kate Lamson
- Treasurer, Matt Valerio
- At-large-two-year term, 2025-2027: Jessica Bullock (unopposed)
- At-large-two-year term, 2025-2027:

Elizabeth Miller (unopposed)

- At-large-two-year term, 2025-2027: Colette Schmidt v. Mitch Rotbert
- At-large one-year 2025-2026 Keith Roberts (unopposed)

Candidates for contested Board seats will be able to briefly address the association during the business meeting. Further nominations are possible by petition or from the floor at the meeting in Manchester on March 28. For more information contact VBA Executive Director Bob Paolini at [bpaolini@vtbar.org](mailto:bpaolini@vtbar.org). For information on Board service and the expectations of Board Members, contact Bob or see the VBA website.

NOTE: Keith Roberts was chosen by the

Board to fill the remaining term of Richard Cassidy, who became President Elect, and Kate Lamson was chosen by the Board to become Secretary following the resignation of Ted Tyler. These appointments will be subject to the approval of the membership at the March meeting. Attendees will be asked to vote on the question:

"Pursuant to Article X of the VBA Constitution, shall the decisions of the Board of Managers to appoint Kate Lamson to fill the remaining term of the Secretary's position following Ted Tyler's resignation and to appoint Keith Roberts to fill the remaining term of Richard Cassidy's Board seat following his election to President Elect be confirmed?" 🗳️



2025  
MEMBERS



# THE NATIONAL ACADEMY OF DISTINGUISHED NEUTRALS

America's Most Experienced Civil-Trial Mediators & Arbitrators

## VERMONT CHAPTER

[www.VermontMediators.org](http://www.VermontMediators.org)

The Academy Recognizes The Following Vermont Chapter Members For  
Excellence In The Practice of Alternative Dispute Resolution



Rich Cassidy



Gregory Clayton



David Cleary



Ellen Coogan



Greg Eaton



Eric Johnson



Michael Marks



Terence O'Connor



Phyllis Phillips



Adam Powers



Tad Powers



James Spink

APRIL 2026						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2 AM	3	4	5 PM	6
7	8 PM	9	10	11	12	13
14	15	16	17 AM	18 AM	19 AM	20
21	22	23 AM	24 AM	25	26	27
28	29	30				

Check your preferred available dates or  
schedule appointments online, directly  
with Academy Members - for free.

*VermontMediators.org is funded by local members*

The National Academy of Distinguished Neutrals is an invite-only association of over 1000 litigator-rated mediators & arbitrators throughout the US, and a proud sponsor of the national trial (AAJ) and defense (DRI) bar associations. For more info, visit [www.NADN.org/about](http://www.NADN.org/about)

# BE WELL

## The Wellbeing Benefits of Storytelling

I was inspired to become a lawyer partly by watching lawyers on television tell inspiring and persuasive stories to juries in high stakes courtroom dramas, such as "Perry Mason," "Matlock," "Ally McBeal", and of course, "My Cousin Vinny." As a younger audience member, I did not appreciate just how powerful the art of storytelling can be, not just for winning a case as a future lawyer, but also for our overall wellbeing. After practicing law as a litigator for only a decade, I felt that being in this stressful field was overall a negative for my health and wellbeing. At that time, I left both litigation and the practice of law because I did not feel that being healthy could coexist with practicing law.

Between that time and now, another decade later, I have realized that if you integrate mindfulness into the practice of law, it can be a sustainable, satisfying, and healthy profession. It started with therapeutic yoga healing my body and then my mind, then I moved into meditation. Eventually, in 2016 I started to incorporate these

practices into teaching mindfulness to lawyers because I had realized that it isn't the stressful practice of law that will negatively impact your overall wellbeing, it was how you learned to be with this practice in a healthier way through self-awareness and shifting your relationship with the stress. Stress is now a way to inspire and motivate me, but when I feel myself shifting into a chronic stress mode, I use this self-awareness to shift my nervous system from the sympathetic system into the parasympathetic system where I can destress, rest, digest and heal. And continue to be in the stressful legal profession AND maintain my overall health and well-being.

In this article I want to highlight an important legal art that increases overall health and wellbeing for lawyers: live in-person storytelling. But first, I want to outline how I learned this firsthand in Vermont. I still recall my first legal boss in the complex commercial litigation field, David Boies, advising me and other first year associates. He said that winning lawsuits before a jury is

not about right or wrong, guilt or innocence, it is about the lawyer that tells the best story. And a catchy phrase like, "if the glove don't quit you must acquit," doesn't hurt as a legal ear worm in the jury's minds. Since I was only a junior associate, I never presented a case before an actual jury, but I never forgot the importance of a good story and in small groups realized that I loved spinning yarns, legal or otherwise. It was also around this time in my legal career that I realized that there were three things I could not have because I was a stressed-out busy lawyer working in Manhattan. So, I decided that I would eventually write a memoir about my return to these three important things in my life with the title: "Plants, Pets, and Personal Relationships: One Woman's Quest to Have it All." But this memoir twist was that I planned to tell all of the vignettes contained within as stories told before a live audience. It took another decade until I actually had the time and motivation to start participating in live storytelling events while practicing law in

# Secure Your Clients' Future with a Strong Foundation

As the leaves change color and a new season begins, ensure your clients' real estate transactions are protected with the strongest foundation possible.

### Financial Strength

Fidelity is not just a title insurance underwriter, but the largest and highest ranked on the FORTUNE 500®. Our financial stability means peace of mind for you and your clients.

### Deep Vermont Roots

Our dedicated Vermont office and State Counsel are committed exclusively to serving Vermont's legal community. We're not just here today, we're building a long-term partnership with you.

### Expertise You Can Trust

Our team brings unparalleled knowledge of Vermont real estate law to every transaction. We understand the intricacies of Vermont properties and title matters.

### Dedicated to Your Success

Fidelity is more than just an insurer; we're your partner in success. Our focus is on providing exceptional service to attorneys and the legal community.

## VERMONT AGENCY



**Fidelity National Title**  
Insurance Company

FORTUNE® and FORTUNE 500® are registered trademarks of Time Inc. Time Inc. is not affiliated with, and does not endorse the products and services of Fidelity National Financial, its subsidiaries or affiliates.



Sean King, Esq.  
VP, State Underwriting Counsel  
(803) 243-0200  
sean.king@fnf.com



Peter Zuk  
Account Executive  
(802) 999-4649  
peter.zuk@fnf.com

# LAWPAY<sup>®</sup>

AN AFFINIPAY SOLUTION

+



Member  
Benefit  
Provider

“I love LawPay! I'm not sure why I waited so long to get it set up.”

– Law Firm in Ohio

Trusted by 50,000 law firms, LawPay is a simple, secure solution that allows you to easily accept credit and eCheck payments online, in person, or through your favorite practice management tools.



22% increase in cash flow with online payments



Vetted and approved by all 50 state bars, 70+ local and specialty bars, the ABA, and the ALA



62% of bills sent online are paid in 24 hours

YOUR FIRM LOGO HERE

Trust Payment  
IOLTA Deposit

New Case Reference

\*\*\*\* \* 9995 \*\*\*

TOTAL: \$1,500.00

VISA POWERED BY LAWPAY

eCheck DISCOVER **PAY ATTORNEY**

PAYMENT RECEIVED



Get started at  
[lawpay.com/vtbar](http://lawpay.com/vtbar)  
866-730-4140

Data based on an average of firm accounts receivables increases using online billing solutions.

LawPay is a registered agent of Synovus Bank, Columbus, GA., and Fifth Third Bank, N.A., Cincinnati, OH.

# COMMITTED TO ACHIEVING the best for our clients

At Dinse, our diverse practice allows us to build the right team for any legal challenge. With a wealth of experience representing lenders and borrowers, precision, efficiency, agility and foresight are just a few of the skills our Banking & Finance attorneys bring to every transaction. And, our pragmatic, problem-solving approach helps get deals done.



A LAW FIRM SERVING BANKING AND  
FINANCE INSTITUTIONS.

Please visit [dinse.com](http://dinse.com)  
or call us at 802.864.5751



## AN ATTORNEY'S SECRET WEAPON.

PRIVATE INVESTIGATION  
PROCESS SERVING  
BACKGROUND CHECKS  
SECURITY SERVICES  
CONSULTING

We make a B.I.G. difference.  
j.stone@brooksinvestigations.us  
brooksinvestigations.com  
(518) 560-9934

# B.I.G. P.I.

Vermont. Sometimes the best things in life are those that you cultivate in the seed or germination state for quite some time.

In 2015 a close friend and artist in Montpelier, Rob Hitzig, said he was telling a story at a storytelling event called Extempo and it was at the coffee shop Espresso Bueno in Barre. The Extempo events were Central Vermont's premier, original, live, true storytelling events organized and hosted by Lovejoy. I went as an audience member just to see the format and experience and I loved it. I started signing up for as many storytelling events with Extempo as I could, with the goal of eventually telling a Moth StorySLAM story. After a year of telling Extempo stories I summoned the courage and attended a Moth StorySLAM event at the Skinny Pancake in Burlington. The StorySLAM theme was "Strict," and I distinctly recall being chosen as the final storyteller that evening after listening to nine variations on Catholic strict stories. I felt like the only recovering evangelical in the room, as my story was about growing up in an evangelical household with many strict punishments that may or may not have been warranted! I didn't win my first Moth StorySLAM, but I was still hooked! The audience was much larger, close to 200, and the energy infused by food and drink at the event was exhilarating. I started to write and tell as many Extempo and Moth stories as I could until December 2019 when I told my last pre-pandemic story, "Lessons learned from the Plymouth Fury." When the pandemic hit in early 2020, all live storytelling events shut down and did not resume until 2023. At that time, I reached out to Lovejoy to determine when she was going to resume hosting her Extempo storytelling events. The answer was, "Never, but if you want to host your own, go for it." She met with me to provide me with all of the event hosting guidelines to do so.

Throughout all the Extempo and Moth storytelling events, my favorite venue was at Bridgeside Books because I got to choose a favorite book to discuss after I told my story. It was this passion for both books and live storytelling that gave me the inspiration to approach my local library in Monkton with the idea to host a storytelling event there and the librarian thought it was a wonderful idea. So, in May 2024 I hosted my first library storytelling event at the Russell Memorial Library in Monkton and it went so well, I created the aspirational goal of hosting a storytelling event at every one of the 185 public libraries in Vermont. I have since hosted four additional events in 2024 and have a booked calendar in 2025, with a new legal-themed storytelling event with the Cornell Library at the Vermont Law and Graduate School on April 1, 2025. I hope to receive

many excited lawyers who wish to tell a legal-themed story at this event after reading about all of the amazing wellbeing effects storytelling can bring into your life.

The key wellbeing benefits of live storytelling events include:

1. **Emotional Regulation<sup>1</sup>:** When a person becomes vulnerable enough to share a personal story about their life with an audience, it can help them process their emotions around that event or situation, it allows them to express themselves in a safe place, and this experience may enable them to manage or even lessen their stress about the content of their story. I have felt this sense of emotional co-regulation at every storytelling event I have attended because the audience truly holds a supportive place for a storyteller to share from their heart. The ability to improve self-regulation has also been shown to increase overall resiliency through more effective conflict resolution.<sup>2</sup>
2. **Oxytocin Production through Empathy and Connection:** As with mindful practices, participating in a storytelling event will generate the creation of oxytocin in both the storyteller and the audience members. Oxytocin, AKA "the cuddle chemical," is a natural hormone that is generated in the brain. It influences social recognition, sense of trust, relationship formation, romantic attachment, parent-infant bonding, and long-term emotional attachment. Overall, it promotes positive feelings, but it is also anti-inflammatory, it decreases stress and anxiety levels and promotes improved sleep. By stepping into the storyteller's shoes through their story, the audience can develop empathy and understanding towards others, which fosters strong social and community bonds. A storyteller's willingness to be vulnerable, honest, and speaking from the heart plays a large part in the depth of the connection created with the audience.<sup>3</sup> At the end of every storytelling event I have participated in, either in the audience or as a storyteller, I feel bonded and closer not only with those that attended the event, but all of humanity. The world feels like a better and safer place after leaving a storytelling experience. This is why "stories don't just inform us – they transform us. They inspire trust, spark emotion, and motivate action in ways no other form of communication can."<sup>4</sup>
3. **Cognitive Function:** We all know as

lawyers the intense mental gymnastics that must occur to both memorize and deliver a story before a live audience – be it a judge or jury, but the engagement of the listeners also stimulates their brains. And every storytelling event I have participated in required the storytellers to memorize their stories and tell them without any notes or cue cards. At a storytelling event, both the storyteller and the audience will improve the functioning of their brains in the areas of memory recall, cognitive processing, and overall cognitive fitness by activating different areas of their brain, especially the gray matter, which is responsible for short term memory.<sup>5</sup> But, especially as a storyteller, this is a wonderful mindful practice as the stress hormones will be generated. The use of mindful practices, such as deep breathing and feeling your feet on the ground, will enable you to slightly shift your nervous system to a more calm/parasympathetic state so you can recall your memorized story.

4. **Personal Growth:** Whenever I teach a mindfulness session, I emphasize that my main goal is to increase each participant's overall self-awareness. Similarly, when a storyteller reflects on their life through personal stories,

## SPECIAL NEEDS & ESTATE PLANNING CAFFRY LAW, PLLC

*Consulting or co-counsel with personal injury, family law and estate planning attorneys across Vermont regarding special needs planning and disability benefit matters*



**JAMES A. CAFFRY, ESQ.**  
**KAITLYN LEWIS KEATING, ESQ.**

- Jim is a parent of a child with special needs
- He is the only member of the Special Needs Alliance – attorneys dedicated to the practice of disability and public benefits law

www.caffrylaw.com • 802.882.8163  
46 South Main Street, Suite 3A  
Waterbury, VT 05676

**EARN INTEREST.**  
*fund justice.*



Get the most for your clients and your community with an Interest on Lawyers' Trust Accounts (IOLTA) at Heritage Family Credit Union. As a Gold Level Prime Partner Institution with the Vermont Bar Foundation for the IOLTA Program, HFCU offers a higher rate of return on IOLTAs while helping to advance access to justice.

**Call 888.252.8932 today to see how IOLTAs can make life better for your clients, your community, and you!**

**HERITAGE  
FAMILY  
CREDIT UNION**

WWW.HFCUVT.COM  
888.252.8932

### Maine Case?

Refer your clients with confidence to Maine's most respected plaintiffs' law firm. Your client's success is our shared goal.

**WHERE SUCCESS COMES TOGETHER**

Together, let's win.

800.244.3576  
bermansimmons.com

**BERMAN &  
SIMMONS**  
TRIAL ATTORNEYS

it leads to increased self-awareness, personal insights, and an overall better understanding of their values and motivations in their life. Like journaling, expressing ourselves through stories can enable us to see ourselves more objectively, which creates space between the story of who you are and defending it to protect yourself. In an opposite fashion, the audience sees themselves in the story and feels a deeper human connection to a complete stranger through similarly lived experiences or emotions. They may even be able to increase their own self-awareness through this interaction and connection. This therapeutic benefit of storytelling can help participants “can new perspectives on their experiences, redefine their identities, and find new ways to move forward...[which is] key to building resilience and thriving in the face of adversity.”<sup>6</sup>

5. **Stress Reduction:** Both listening to and sharing positive and uplifting stories can promote overall feelings of relaxation and reduce feelings of anxiety.<sup>7</sup> This occurs because this ancient and intimate act of sharing stories with an audience produces the same “Happy Chemicals” (essentially hormones and neurotransmitters) that are created when you practice mindfulness and shift your nervous system from the sympathetic (stressed) state to the parasympathetic (rest/digest/heal) state. These natural production of Happy Chemicals includes: (1) Dopamine is the chemical messenger that plays a role in helping us feel pleasure as a part of the brain’s reward system; (2) Serotonin is a natural mood booster that helps balance mood and experience pleasure; (3) Endorphins are known as the “Happy Hormones” and have many health benefits including pain relief, stress and anxiety reduction, improved mood, self-esteem, and cognitive function, and reduced inflammation; and (4) Oxytocin (as previously noted) is known as the “Cuddle Chemical” or “Love Hormone” and can make people feel a variety of powerful bonding emotions, such as: trust, love, empathy, relaxation, safety and social sensitivity. Even a minor shift in our nervous systems through participating in a storytelling event can alter the trajectory of the rest of our day because we move into a more relaxed and responsive state of being.
6. **Community Building:** As I have been hosting storytelling events at various Vermont communities, I have felt

such a strong sense of community at every event, which fosters both belonging and connection. Each event has built the network of both storytellers and audience members and now the email list is more than 200 people, and in a state as small as Vermont, this constitutes a significant portion of our population.

7. **Healing and Resilience:** Some of the stories told help individuals cope with a traumatic or challenging experience by providing a narrative structure to their lives and help them process it through the simple act of sharing it with others.<sup>8</sup> Thus, storytelling can diminish the power the traumatic event may have over someone’s life. During one of the storytelling events a storyteller recounted the stressful events around fostering a four-year old boy through the state of Vermont, Agency of Human Services, Department of Children and Families services. It was emotional, but also uplifting in its vulnerability and honesty. At the conclusion of the story, the storyteller shared that they had never told it to anyone before and it felt really good to lift that burden off their shoulders. After their story, there were many teary-eyed audience members and even as the host I choked up and cried a bit, as that story enabled me to recount my own experience growing up in a family that housed many foster children. After the event a small crowd gathered around the storyteller as we all realized that many of us had worked in the child welfare realm and their story reunited us all.

As lawyers, we are all storytellers in our own ways, whether written or verbal. Now, we can reframe this talent in a more positive and healing light as there are so many wellness aspects associated with it. I would like to provide the legal community with many opportunities to join me in receiving these wellbeing qualities by participating in the live storytelling events to be held in the remaining 180 public libraries in Vermont. The schedule is below includes a special law student/legal ONLY event in April at the Vermont Law and Graduate School. I do hope you join me either as storytellers or audience members to reap these amazing wellbeing benefits throughout the rest of 2025.

*Here is a list of the scheduled 2025 Vermont Library Storytelling Events, and one is specifically for the legal community, co-hosted by the Cornell Library and VBA at VLGS! If you would like to sign up to tell a story at ANY of the events listed, please contact Samara (anderson\_samara@ya-*

*hoo.com)*

1. Feb. 27 – Cabot Library
2. March 26 – Richmond Library
3. April 1 – Special Legal Storytelling Event Co-sponsored with the VBA (open to lawyers and law students), South Royalton, Vermont Law & Graduate School, Cornell Library (refreshments will be provided)
4. May 29 – Jeffersonville Library
5. June 26 – Essex Library
6. July 31 – Hardwick Library
7. August – NO EVENT DUE TO END OF SUMMER TRAVELS & HOLIDAYS
8. Sept. 25 – Charlotte Library at the Charlotte Grange
9. Oct. 23 - Lincoln Library
10. Nov. 20 – Vergennes Library
11. Dec. 18 - Best of 2025 Storytellers Event, South Burlington Library

*Samara Anderson is an attorney and the co-chair of the VBA’s Lawyer Well-Being Section.*

<sup>1</sup> Pasupathi M, Wainryb C, Mansfield CD, Bourne S. The feeling of the story: Narrating to regulate anger and sadness. *Cogn Emot.* 2017 Apr;31(3):444-461. doi: 10.1080/02699931.2015.1127214. Epub 2016 Jan 8. PMID: 26745208; PMCID: PMC5584785.

<sup>2</sup> Tillott, S., de Jong, G., & Hurley, D. (2024). Self-regulation through storytelling: A demonstration study detailing the educational book Game On for resilience building in early school children. *Journal of Moral Education*, 1–20. <https://doi.org/10.1080/03057240.2024.2403992>

<sup>3</sup> Bradley, Monique, *The Heart of Communication: How Storytelling Creates Connection and Empathy* (January 6, 2025) (available at <https://moniquebradley.tv/the-heart-of-communication-how-storytelling-creates-connection-and-empathy/>).

<sup>4</sup> Id.

<sup>5</sup> Michael Dorer, EdD | Brain Development, Emotional Intelligence (EQ), Emotionally Healthy Children, Executive Functioning, ML 2021, *Montessori Teachers, School Leadership, Story-telling, The International Montessori Council* (available online at <https://www.montessorionline.org/storytelling-and-executive-functioning/#:~:text=Storytelling%2C%20story%20listening%2C%20participation%2C,flexibility%20and%20E%80%9Cognitive%20fitness.%E2%80%9D>).

<sup>6</sup> Dr. Kate Truitt, *Healing Through the Art of Storytelling*, excerpts from her book, *Keep Breathing* (available at <https://drtruitt.com/healing-through-the-art-of-storytelling/#:~:text=Through%20storytelling%2C%20individuals%20can%20gain,in%20the%20face%20of%20adversity>).

<sup>7</sup> Robyn Flvush, Ph.D, *Storytelling is Good for Us and our Bodies: Sharing stories lowers stress and increases empathy, Psychology Today* (posted June 10, 2021) (available online at <https://www.psychologytoday.com/us/blog/the-stories-of-our-lives/202106/storytelling-is-good-for-us-and-our-bodies>).

<sup>8</sup> East L, Jackson D, O’Brien L, Peters K. Storytelling: an approach that can help to develop resilience. *Nurse Res.* 2010;17(3):17-25. doi: 10.7748/nr2010.04.17.3.17.c7742. PMID: 20450085. (available online at <https://pubmed.ncbi.nlm.nih.gov/20450085/>).

*Save the Date*

# VBA MID- YEAR MEETING

*March 28, 2025*

THE EQUINOX GOLF  
RESORT & SPA

3567 Main St, Manchester, VT  
See the website for registration  
and other information:

[www.vtbar.org](http://www.vtbar.org)



# The ICC's Vermont Connection<sup>1</sup>

This is the story of a highly unlikely connection between me, a longtime resident of Stowe, and two members of the International Criminal Court (ICC), located in The Hague, Netherlands, who have come into prominence very recently.

On Nov. 21, 2024, a three-judge panel of the ICC issued warrants, at the request of the chief prosecutor, for the arrest of Israeli Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant (and a Hamas commander who may be dead).<sup>2</sup> The warrants allege that Netanyahu and Gallant have engaged in war crimes and crimes against humanity regarding Israel's response in Gaza to the Hamas terrorist attack on Oct. 7, 2023.<sup>3</sup>

The warrants set off a heated debate around the world. Many countries supported the issuance of the warrants, while others did not.<sup>4</sup> Here in the US, there was both vehement support<sup>5</sup> and opposition. Indeed, President Biden had this to say: "The ICC issuance of arrest warrants against Israeli leaders is outrageous. Let me be clear once again: whatever the ICC might imply, there is no equivalence—none—between Israel and Hamas. We will always stand with Israel against threats to its security."<sup>6</sup>

And what is my connection to this controversy? While serving as an international criminal judge with the European Rule of Law Mission in Kosovo from 2011-13, I had frequent contact with the current ICC chief prosecutor, Karim A. A. Kahn, an imperious British barrister, as well as one of the judges issuing the warrants, Beti Hohler, from Slovenia. Both had extensive involvement in a high-profile war crimes case I adjudicated in 2011-12.<sup>7</sup> (I was the only American judge in Kosovo at the time, and I also sat on cases of human organ trafficking, narco

trafficking, murder, and other serious cases)

The case emerged from the brutal war between Kosovo and Serbia in 1998-99, the war for Kosovo's independence. There were ten defendants including Fatmir Limaj, a commander in the Kosovo Liberation Army, with a *nom de guerre* of "Commander Steel," and nine other KLA freedom fighters. At the time of the trial, Limaj was Kosovo's transportation minister and a popular politician and war hero, and Kahn was his defense counsel. All other defendants were represented by separate local counsel, but Kahn took the lead because Limaj was the primary defendant.<sup>8</sup> Beti Hohler was my law clerk. The case generated worldwide attention and was known as both the "Limaj case," and the "Klecka case" because of the location in Kosovo where it was committed.

During the war, Limaj was in charge of a detention center which housed Serbian prisoners. A guard at the center, Agim Zogaj, kept a secret diary describing serious mistreatment, including beatings, torture, deprivations and murder. Once, six Serbian prisoners were marched to a deserted field, then murdered and buried. Zogaj remained mum until 2009 when he finally went to the police, told his story and submitted his diary. An investigation ensued, and an international forensic team discovered the gravesite and unearthed the six bodies. Indictments were then filed against Limaj and the others in 2010 for the commission of war crimes. Zogaj became the prosecution's key witness.<sup>9</sup>

During the pre-trial phase in 2011, Zogaj was deposed under oath by the defense attorneys, lasting 19 hours over four days. Zogaj was asked nearly 1000 questions, half by Kahn, and Zogaj stuck adamantly to his

story. He then entered the witness protection program, becoming known as "witness X." But just before the trial began, he committed suicide.<sup>10</sup>

This presented a personal tragedy and also a legal dilemma: Could his deposition be used at trial or not? If yes, the trial could proceed; if not, Limaj and the others would be acquitted because the prosecution's other evidence was insufficient to obtain a conviction. This was described in *The New York Times* as follows:

The death of a key witness in Germany in the war crimes trial of one of Kosovo's most powerful politicians has cast doubt on the effective prosecution of the case and threatens to derail local and international efforts to establish the rule of law here. Intimidation, fear, clan loyalties and a culture of silence have long impeded the development of a functioning justice system in Kosovo, analysts say, and the death is seen as a major setback.<sup>11</sup>

I was a member of the three-judge panel hearing the case (no juries in Kosovo), with a judge from the United Kingdom and a Kosovo judge. Because of the palpable tension and media publicity, the UK judge and I had to travel back and forth to the courthouse in an armored vehicle, and I had to have a bomb-proof and bullet-proof door installed at my apartment.

In the courtroom packed with the defendants' supporters, and hundreds more outside on the street, we heard several days of heated arguments on whether the defense lawyers had had an "adequate opportunity" to question Zogaj, the legal standard. The prosecutor, a flamboyant Italian who always wore pastel sport jackets, insisted that the deposition was admissible; Kahn, as lead counsel in his flowing barrister garb, along with all the other defense lawyers, demanded that the deposition be ruled inadmissible.<sup>12</sup> At one time, an angry Mr. Kahn strode quickly towards the bench without prior approval, and I chastised him while wagging my finger, a gesture I regret.

The three of us on the panel could not agree. The other two judges were persuaded by the arguments against admissibility, but I believed otherwise and wrote a 23-page dissenting opinion. Beti Hohler, my whip-smart law clerk, did a great deal of high-quality legal research, and located several cases from the European Court of Human Rights that supported my position, namely that there had been an ade-

Delta Dental has more satisfied clients

83% of dentists in Vermont are in network

**DELTA DENTAL**

nedelta.com

Source: 2024 Delta Dental data



quate opportunity to question Zogaj. My position was not that the defendants were guilty, simply that there should be a full trial where the deposition would be admitted along with all other evidence in the case, including the defendant's evidence.<sup>13</sup>

Because of the 2-1 ruling against admissibility, the defendants were declared not guilty in an oral ruling by the UK judge on May 2, 2012 before a hushed courtroom. There was no mention of my dissenting opinion because the deliberations and votes of judges were confidential under the procedural rules. The courtroom erupted, and the defendants, their lawyers and supporters rushed from the courtroom for a raucous celebration out on the street.<sup>14</sup>

But the prosecution appealed. In November 2012, the Kosovo Supreme Court reversed the acquittal and remanded the case for a retrial, deciding that the deposition was admissible. In so doing, it adopted much of my reasoning.<sup>15</sup> (In the retrial before a different panel after I'd returned to Vermont, Limaj, again represented by Kahn, and the other defendants were acquitted based on the complete trial record, and the verdict was later affirmed by the Kosovo Supreme Court<sup>16</sup>)

Karim Kahn has had a long and distinguished career in international criminal law and human rights, and was appointed as the ICC's chief prosecutor in 2021. In March 2023, he was closely involved with the ICC's issuance of an arrest warrant for Vladimir Putin, president of Russia.<sup>17</sup> Unfortunately, he now faces allegations of sexual harassment which are under investigation.<sup>18</sup>

Beti Hohler, following Kosovo, went on to establish an impressive career as an international lawyer, academic, author, and prosecutor. She was recently appointed to an ICC judgeship in March 2024.<sup>19</sup> In her CV, she refers to the Limaj case as "the largest war crimes case at the time before the District Court of Pristina (capital of Kosovo) against high-level accused."<sup>20</sup> It appears that the issuance of the arrest warrants for Netanyahu and Gallant were among her first acts as an ICC judge.

Seemingly against the odds, two of the four principals involved in issuing these highly controversial warrants have an unlikely professional connection to me, a judge from Stowe, Vermont. A small world story for sure!

*Judge Pineles retired from the Vermont trial bench in 2005 after 21 years, following which he was actively involved in international rule of law work including 28 months in Kosovo as a criminal judge with the European Union Rule of Law Mission. His memoir, "A Judge's Odyssey: From Vermont to Russia, Kazakhstan and Georgia, Then on to War Crimes and Organ Trafficking in*

*Kosovo" (Rootstock Publishing, Montpelier 2022) is available in bookstores and on Amazon. He is a graduate of Brown University, Boston University Law School and Harvard Kennedy School, and is a frequent lecturer and commentator on events in Kosovo and the Balkans, having published numerous articles on Balkan Insight and other publications. He lives in Stowe with his wife Kristina Stahlbrand, his fellow traveler and indispensable critic and editor.*

<sup>1</sup> Portions of this article were originally included in the author's memoir, "A Judge's Odyssey: From Vermont to Russia, Kazakhstan and Georgia, then on to War Crimes and Organ Trafficking in Kosovo." (Rootstock Publishing, Montpelier, 2022).

<sup>2</sup> Press release, International Criminal Court, "Situation in the State of Palestine: ICC Pre-Trial Chamber rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant," November 21, 2024.

<sup>3</sup> Id.

<sup>4</sup> Ingber, Rebecca, "Mapping State Reactions to the ICC Arrest Warrants for Netanyahu and Gallant," *Just Security*, December 10, 2024.

<sup>5</sup> See, e.g., Mohyeldin, Ayman, "Democrats and Republicans offer hypocritical response to ICC's Netanyahu arrest warrants," *MSNBC News*, November 25, 2024.

<sup>6</sup> The White House, "Statement from President Joe Biden on Warrants Issued by the International Criminal Court," November 21, 2024.

<sup>7</sup> Pineles, supra note 1, at 197 et seq.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> Brumwasser, Matthew, "Death of War Crimes Witness Casts Doubt on Kosovo," *The New York Times*, October 6, 2011.

<sup>12</sup> Pineles, supra note 1, at 197 et seq.

<sup>13</sup> Dissenting Opinion of EULEX Judge Dean Pineles to the Ruling on admissibility of Agim Zogaj's statements and diaries, March 26, 2012.

<sup>14</sup> Aliu, Fatmir, "Limaj Found Not Guilty in Klecka Case," *Balkan Insight*, May 2, 2012.

<sup>15</sup> "Former Kosovo rebel leader Fatmir Limaj faces retrial," *BBC News*, November 20, 2012.

<sup>16</sup> Qirezi, Arben, "Kosovo's Top Court Acquits Limaj of War Crimes," *Balkan Insight*, May 25, 2017.

<sup>17</sup> Press release, International Criminal Court, "Situation in Ukraine: ICC judges issue arrest warrant against Vladimir Putin," March 17, 2023.

<sup>18</sup> Goodman, Joshua, "UN watchdog to conduct probe into sexual misconduct allegations against top international prosecutor," *The Washington Post*, December 3, 2024.

<sup>19</sup> Asem, Sondas, "The three ICC judges who issued the historic Netanyahu arrest warrant," *Middle East Eye*, November 23, 2024.

<sup>20</sup> International Criminal Court, Curriculum vitae, Beti Hohler, March 15, 2023. 🇻🇪

## EXPERIENCED INVESTIGATORS - VERMONT & NEW YORK -

- Criminal Defense, Civil & Family Court Investigations (National, Federal & State)
- Background Checks & Social Media Searches
- Corporate Records & Asset Searches
- Criminal & Civil Process Service
- Mitigation Video Production
- Day in the Life Settlement Videos
- Juror Research & Voir Dire Assistance
- Surveillance
- Expert Vetting



VTPrivateEye, LLC

www.vtprivateeye.com | susan@vtprivateeye.com | 802.793.9367

## VBA Law Practice Mgmt Series

Featuring award-winning podcaster, law school instructor,  
COO of Gideon Software, Inc., and CEO of Red Cave Law  
Firm Consulting: Jared Correia, Esq.

1

April 30th: Order Up! Why Your Law Firm Should Run Like a Fast Food Chain



2

May 7th: Launching Pad: Building a "Go-To-Market" Plan for a New Law Firm

3

May 14th: Glow Up: 5 Strategies for Law Firm Growth

All from noon - 1pm, 1.0 MCLE, and via Zoom!

# The Legal Landscape of Privacy: Why Lawyers Must Keep Up with Change

We have passed through another year filled with significant advancements in cybersecurity protections adopted by law firms to combat the constant cyber-attacks they face. Law firms are finally embracing Endpoint Detection and Response (EDR) software, cybersecurity awareness training, and phishing simulations. The reality is that the measurement of cybersecurity protections can never be genuinely quantified. The primary reason is because the goal-post everyone aims for keeps moving farther and farther away with each new vulnerability or attack method discovered or developed by attackers. The continually evolving and complex world of cybersecurity shows no signs of slowing down.

## More Governance

What else must law firms endure besides constant cyber and phishing attacks? How about further governance regarding data privacy? Law firms got a taste of this in 2016 with the EU's passing of the General Data Protection Regulation (GDPR), touted as the world's strictest privacy and security law. The GDPR imposes obligations on any organization that targets or collects data related to people in the EU.

The California Consumer Privacy Act (CCPA) went into effect in January 2020, providing residents of California with greater control over personal data collected, including the ability to request a business to delete any harvested personal information. This legislation applies to anyone who does business in California that meets certain thresholds. That's just California's privacy law. There are now 20 states that have varying degrees of data privacy laws.

As a result of governance, law firms have adopted privacy and data collection policies to meet these requirements, including GDPR policies and popup notifications regarding Cookies and the types of data collected when visitors browse their websites. Failure to abide by and comply with these changing regulations may result in malpractice claims, lawsuits, or fines for non-compliance. That certainly has gotten the attention of many law firms. Suddenly, law firms are taking the long-standing regulations seriously, which have largely been ignored in the past.

## Driven by Client Demand

It's not just the cyber insurance carriers; clients have also gotten smarter about data protection. Law firms commonly receive cybersecurity questionnaires from larger corporations or defense contractors, which must be completed before engaging with the law firm. Clients demand to know what protections are in place to keep their data safe and, in some instances, want proof—not just self-attestation. These questions are very similar to those asked by cyber insurance providers.

Some of the cybersecurity measures asked about by clients include:

- Are 100% of endpoints protected by "next-gen antivirus" and "EDR" software?
- Have you had a penetration test and vulnerability assessment performed within the last year, and if so, were all the medium, high, and critical vulnerabilities remediated?
- Are your information systems monitored by a Security Information and Event Management (SIEM) solution backed by a 24/7 Security Operations Center?
- Are your critical systems backed up to an offsite location protected against ransomware attacks or infections (immutable backups)?
- Have your employees attended a cybersecurity awareness training session within the last 12 months?
- Is MFA required for access to all firm resources?

These are some very tough questions from clients, but they underscore the importance of data protection and privacy from the client point of view. Law firms that haven't implemented the requested measures often use the request as a catalyst for positive change to implement the solutions before responding to the questionnaire and are willing to take on the cost to get the client. It's a win-win.

## Risks of Litigation

It was only a matter of time before the data breach attorneys showed up to the party. Class action lawsuits have now become a nightmare for law firms who have suffered a data breach. Law firms are becoming subjects of class action lawsuits,

which often tend to settle relatively quickly without the details being outlined in court. Class action lawsuits, expensive data breach notification requirements, and monetary fines from State Attorney Generals for data privacy violations—what more can be done to drive the point home about the need for rigorous data security protections? For a long period of time, law firms hesitated to take on class action lawsuits against other law firms which suffered data breaches. Those days are long gone.

Mandated privacy and data protection are here to stay, as are cyberattacks. Law firms must remain proactive in adopting these measures which benefit the firm and its clients. Serious reviews of your cybersecurity and annual security changes mitigate risk and exposure and will keep class action lawsuits at bay. As an added benefit, you may even get your cyber insurance carrier to lower your premium (or not increase it as much as they usually do) with all the added security measures you've implemented.

---

*Michael C. Maschke is the President and Chief Executive Officer of Sensei Enterprises, Inc. Mr. Maschke is an EnCase Certified Examiner (EnCE), a Certified Computer Examiner (CCE #744), an AccessData Certified Examiner (ACE), a Certified Ethical Hacker (CEH), and a Certified Information Systems Security Professional (CISSP). He is a frequent speaker on IT, cybersecurity, and digital forensics, and he has co-authored 14 books published by the American Bar Association. He can be reached at [mmaschke@senseient.com](mailto:mmaschke@senseient.com).*

*Sharon D. Nelson is the co-founder of and consultant to Sensei Enterprises, Inc. She is a past president of the Virginia State Bar, the Fairfax Bar Association, and the Fairfax Law Foundation. She is a co-author of 18 books published by the ABA. [snelson@senseient.com](mailto:snelson@senseient.com)*

*John W. Simek is the co-founder of and consultant to Sensei Enterprises, Inc. He is a Certified Information Systems Security Professional (CISSP), a Certified Ethical Hacker (CEH), and a nationally known digital forensics expert. He is a co-author of 18 books published by the ABA. [jsimek@senseient.com](mailto:jsimek@senseient.com).*

# Vermont Lawyers Assistance Program

The Vermont Lawyers Assistance Program provides confidential, meaningful assistance to lawyers, judges, law students and their families in coping with alcoholism and other addictions, depression, and other personal or professional crises.

COUNSELING, PEER SUPPORT, AND  
PROFESSIONAL ASSISTANCE

# CALL FOR HELP

Help Line:  
1-800-525-0210  
(the Boston LAP  
can help refer you  
to a Vermont LAP  
Volunteer)

ALL  
COMMUNICATIONS  
ARE CONFIDENTIAL  
UNDER RULE 8.3(C)

Vermont LAP:  
1-800-355-4352  
[www.lapvt.org](http://www.lapvt.org)

# How to Avoid Common Co-Counsel Relationship Missteps

Co-counsel relationships are sometimes formed "on the fly," meaning no thorough discussion as to who will be responsible for whatever occurs. This can be disastrous if both attorneys assume the other will meet a critical deadline and then neither actually files suit. Oops! It can get even messier if one of those two attorneys happens to be uninsured. Heaven forbid if the one who is uninsured is an out-of-state attorney who got you involved solely to act as local counsel. And here you thought you were just along for the ride with your assumed duties limited to serving as the mail drop. This is just one example of the hazards that can arise in co-counsel relationships.

Here's another example. Local counsel had worked with an out-of-state firm on a number of matters over the years and the work done by this out-of-state firm was consistently stellar. As a result, local counsel became less and less vigilant in staying on top of any active matter being handled by the out-of-state firm, eventually getting to the point where he just signed documents or appeared with out-of-state counsel when necessary. Eventually one of these matters ended up going to trial and when the judge entered the courtroom, he unexpectedly informed the out-of-state attorney that certain documents were not in order. As a result, the out-of-state attorney was not going to be able to try the case. The judge then turned to local counsel and said, "you're up." Due to his total dependence on the efforts of the out-of-state firm, local counsel was completely unprepared; but with no other options available to him he had to step up and try the case. It was apparent to everyone in the courtroom, including the client, just what had happened. While the local attorney report-

ed that this experience was the most horrific experience of his career, he was able to acknowledge that his own assumptions helped create that nightmare.


Perhaps there was a time when, out of professional courtesy, we could assume that everything would be fine and that our professional colleagues were all competent. Sadly, those days are long gone. Consider that in an ABA report released in 2020, 51.9% of all malpractice claims during the period of 2016-2019 were the result of a substantive legal error.\* Running with assumptions about the competency or reliability of any attorney you are about to co-counsel with can lead to serious malpractice and ethical trouble should something go terribly wrong. Understand you and your co-counsel share joint responsibility and are splitting the fee on the joint matter. You both owe undivided loyalty to your mutual client. This means your client will look to hold you both accountable for anything that goes wrong. With this in mind, here are a few practice pointers that can significantly reduce your exposure to such hazards if taken to heart.

- When considering entering into a co-counsel relationship with an attorney about whom little is known, investigate the attorney before committing to the relationship. At a minimum, confirm the lawyer is admitted to practice in the jurisdiction and conduct an Internet search of the attorney's name. You might also ask for recommendations or references, conduct a background check, interview the attorney, and/or contact area judges or attorneys who practice in the same field in or-



der to ask about prospective co-counsel's qualifications and reliability.

- Have a formal written co-counsel agreement that documents the roles and responsibilities of each attorney. This agreement should address issues such as who will do what, how disagreements will be resolved, who gets paid what and when, who will hold client funds, who will bill the client, how expenses will be paid, who discusses expense decisions with the client, how monies will be split if the client only partially pays, etc. How the negotiation over this agreement proceeds may even help you determine if the two of you will be able to work well together as co-counsel.
- Consider also documenting your roles and responsibilities with all joint clients if for no other reason than to avoid having assumptions in play; and written documentation of roles should always be given to a client if one of you is going to have a very limited role in the matter.
- Commit to tracking all critical deadline dates on all co-counsel matters regardless of your level of involvement and follow up with your co-counsel to either confirm you will meet your specific deadline or to make certain your co-counsel will meet hers. This is particularly important on those matters where your involvement is going to be limited


**PREFERRED  PROPERTIES**

Serving the family law community on all real estate matters including: expert testimony, fair market valuation, and specialized resources for each situation. Extensive training and experience in Divorce, Probate & Senior purchase and sales transactions.

ESTATES | DIVORCE | SENIORS

**BARB TROUSDALE**  
Owner | Broker | REALTOR®

802.233.5590 | Barb@PreferredPropertiesVT.com

 PREFERREDPROPERTIESVT.COM




to nothing more than your serving as a local contact who will eventually receive some type of referral fee. Again, remember that as co-counsel you are jointly responsible and liable for the client's matter. There really isn't any halfway here. If the lead co-counsel misses a deadline, you've got a problem. This is why attorneys who decide to exit a co-counsel relationship, exit completely to include forfeiting any referral fee. Responsibility and liability do come with the money.

- Finally, make certain your prospective co-counsel is adequately insured and don't just accept a verbal assurance. I have had attorneys tell me they will say they are insured to get work when in fact they are prac-

ting without any coverage. Financial pressures in competitive markets can result in certain attorneys being forced to take financial risks. This means you should ask for written verification of coverage. A simple swap of a copy of the declaration pages to each other's malpractice policy would suffice. If you find it hard to have this conversation, place the responsibility on your malpractice carrier. A request framed as "my malpractice carrier has advised I always obtain written verification of coverage prior to entering into any co-counsel relationship" may help.

\*Profile of Legal Malpractice Claims 2016-2019, ABA Standing Committee on Lawyer's Professional Liability 2020

Since 1998, Mark Bassingthwaight, Esq. has been a Risk Manager with ALPS, the nation's largest direct writer of professional liability insurance for lawyers. In his tenure with the company, Mr. Bassingthwaight has conducted more than 1200 law firm risk management assessment visits, presented numerous continuing legal education seminars throughout the United States, and written extensively on risk management, ethics, and technology. Mr. Bassingthwaight is a member of the State Bar of Montana as well as the American Bar Association where he currently sits on the ABA Center for Professional Responsibility's Conference Planning Committee. He received his J.D. from Drake University Law School. 

## CROSSWORD PUZZLE

by Kevin Lumpkin, Esq.

Kevin is back with a new crossword puzzle for this issue. Kevin is a litigation partner at Sheehey Furlong & Behm in Burlington, and in his spare time he enjoys puzzles and trivia of all kinds, especially crossword puzzles.

*Note: for those who solve the New York Times crossword puzzle, Kevin rates this one at the Wednesday-level on the NYT difficulty scale.*

*Thanks to VBA Programs Coordinator Laura Welcome for test solving the puzzle. For the solution to the crossword that appeared in the Fall issue of the VBJ (the previous issue), see page 34.*

### Across

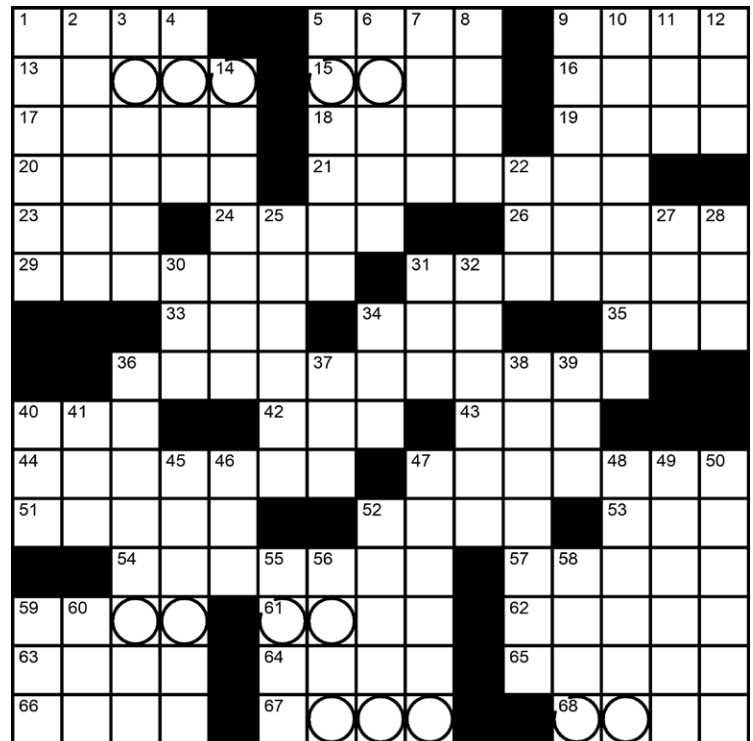
- Baby buggy, to Brits
- Hustle
- Last words?
- Handle a conflict, say
- \_\_\_ Alto
- Shade akin to mauve
- What a testifying expert does
- Muscat's land
- Ireland's best-selling solo artist
- Explode
- Late pregnancy urge
- 40-Down occupants
- Aladdin character voiced by Gilbert Gottfried
- ID, for one
- Diplomacy term
- Academic
- Texter's "excuse me?"
- "Homeland" home, in brief
- Bruins legend Bobby
- Commit an offense ... as visually represented by this puzzle's circled letters
- Portrayer of Mia and Beatrix in Tarantino films
- Islet
- Back muscle, in brief
- Came up short
- Home to the Paramount

### Theater

- Basic skateboarding trick
- There's no place like it
- Thai's neighbor
- The point of math?
- Image in a sonogram
- Apple assistant
- Garden hose shape
- Tony winner Renée \_\_\_ Goldsberry
- Thick Japanese noodle
- Dramatic accusation
- Bugs bugs him
- Swabs
- Mail
- Small batteries

### Down

- Investigated
- Standing
- Something groundbreaking
- Department store department
- Fast learner
- Celebrity shoutout website
- "Woe is me"
- French peak
- Not ruling out
- Small one-story house
- Like winter conditions in Vermont, often



- Gossip, in slang
- Flock surrounding an important person
- Kinda
- Outlook asks you if you forgot to do this with a file
- Road goo
- Show one's humanity?
- JFK and LGA alternative
- "Quiet!"
- Ad \_\_\_ doctrine (property law topic)
- Dump
- NYC NYE tradition
- Name that sounds like a letter
- Charge for tardiness
- Braves, on a scoreboard
- What a drone might be

- mistaken for
- Name for two Spice Girls
- Nonviolent protests
- It was created after the Wall St. crash of 1929
- Pack a sleeping bag, say
- Nissan model
- Queasy feeling
- Nurses, at times
- The world's first Black-led republic
- Frosts, as a cupcake
- Fan of the flame?
- First name of the "First Lady of Jazz"
- Add up
- Vow words

# BOOK REVIEW



The Miriam and Ira D. Wallach Division of Art, Prints and Photographs: Print Collection, The New York Public Library. (1673). Nieuw Amsterdam at[que] New York

## **Law Enforcement in Colonial New York: A Study in Criminal Procedure (1664-1776)**

By Julius Goebel, Jr. and T. Raymond Naughton

Publisher: The Commonwealth Fund (1944)

Reviewed by Gary Shattuck, Esq.

Released 80 years ago, Julius Goebel, Jr.'s and T. Raymond Naughton's *Law Enforcement in Colonial New York: A Study in Criminal Procedure* received immediate critical acclaim, hailed as "a landmark in American legal history."<sup>1</sup> Nothing like it had been attempted before, assembling a comprehensive work unraveling the law's intricacies during the Empire State's colonial period. Their ambitious goal: to set aright "the already deplorable historiography of lawyers," correct their current day dependency on misrepresentations of the past, and to educate the state's judges, practitioners, and legislators in the process.<sup>2</sup>

While the authors' intended audience presumably benefited by their efforts, coming generations of historians examining the legal mores in the state's long history did as well. *Law Enforcement in Colonial New York* is microhistory at its finest. It is also an unparalleled resource – and pleasure – for history nerds.

So, one might ask, what relevance is there for such a work in modern day law? How can legal precepts from more than 300 years ago affect our lives in the twenty-first century? While the book continues to generate interest in select cases (principally jury-related issues), further use in the judicial arena has waned over the decades since its release. Nonetheless, Goebel and Naughton strongly remind us of the endur-

ing nature of the law and how it constitutes our roots, our collective cultural DNA, and is something that cannot be dismissed any more than the color of our eyes and hair can.

This admirable work stands as a well-deserved tribute to the two authors' accomplishments. Named Columbia Law School's Director of the Foundation for Research in Legal History (1930) and, subsequently, its George Welwood Murray Professor of Legal History (1938), Julius Goebel, Jr. led the effort, aided by T. Raymond Naughton, a member of the New York bar.<sup>3</sup> Goebel had already written the exquisite *Felony and Misdemeanor: A Study in the History of Criminal Law* (1937)<sup>4</sup> before going on to other legal topics earning him singular praise from the U.S. Supreme Court in 1973, calling him "our leading expert on colonial law."<sup>5</sup>

Recognizing that works devoted to legal history was, at the time, in its "infancy," the two men accepted the monumental challenge of ferreting out as many historical documents as possible "bearing upon American conceptions of due process" from the state's dispersed legal archives. The result of their toils is revealed in an exhaustive examination of all aspects relating to due process in a criminal context taking place between New York's founding as a colony in 1664 to its separation from Britain in 1776.

Structurally, the 867-page book's wide-ranging, detailed, and technical contents have been effectively corralled into two main Parts (Jurisdiction and Practice) at the head of numerous subsections. Many hundreds of footnotes populate the pages describing an abundance of individual cases supporting the narrative; that alone constitutes an "embarrassment of riches" for the reader. An interesting Appendix follows with copies of notable period cases and ends with an exhaustive General Index.

Goebel authored the 27-page Introduction providing a brilliant distillation of complex factors underlying the authors' work. His summary of how the law went through two periods of adaptation and incorporation into the colony's psyche (1664-1683 and 1684-1776) is a concise, eye-opening story. Whereas challenges arising during the first period meant urgently dealing with the threats posed by ever-present crime, upon the arrival of Governor Thomas Dongan in 1683 the time proved ripe to move on to address the creation of courts and to institute procedural improvements.

Goebel outlines how colonists initially came to tame both the physical frontier

and their rough ways that ushered in the gradual introduction of aspects of the common law they knew in England; a process he describes as "adaptation and adjustment." Closer to home, a similar process also took place in Vermont before achieving statehood. When forming its first laws in 1778 to quell threats from within during the Revolution, its leaders readily adopted aspects of Connecticut law already familiar to them outlawing "high treason" and "treacherous conspiracies."<sup>6</sup>

*Law Enforcement in Colonial New York* appeared at a time when historian Frederick Jackson Turner's controversial "Frontier Thesis" (first appearing in 1893) was gaining traction in American politics, and, by association, the law.<sup>7</sup> Arguing something akin to Athena springing full-formed from the head of Zeus, Turner contended that a wholly new American identity arose in 1890, independent from European influence, with the closing of the frontier that year. While an attractive thesis for the time, his opponents argued then, as now, that such a myopic vision failed to consider other relevant factors coinciding with settlement, including European effects.

When academics began to twist the historical record, arguing Turner-like, that the one-of-a-kind uniqueness of American law began only after winning the Revolution, Goebel took strong offense. He countered that their denial of a clear presence and application of English law during the preceding colonial period constituted an abuse of the historical record. Importantly, he recognized that not raising his voice in opposition left the prospect of those uninformed positions finding their way into legal opinions causing harm.

Goebel went further, challenging historians of the time untrained in the law ("amateurs," he called them) for their incorrect use of legal terms and misguided precepts to advance personal agendas posing the same kind of harm to the public the academics threatened. His prescience in this regard is particularly relevant in today's political environment when protective vigilance of the past remains paramount. "A generation can be led by scholarly skepticism," he warned (cue: George Orwell's 1984) "to an attitude of cynical irreverence for the achievements of its forefathers and no one can be made chargeable, for when conversion is complete, no one will by that time care."

Goebel's caution even extends into the interpretations of Vermont's early legal history. It was one that this writer sought to adhere to when reconstructing the circum-

stances of the region's pivotal Ejectment Trials taking place in Albany in 1770 and 1771.<sup>8</sup> These contests – importantly, the matter of *Peter Quiet ex dem. John Small v. Isaiah Carpenter* – adversely determined newcomers' land ownership claims leading to the formation of the notorious Green Mountain Boys, a group of discontents led by Ethan Allen rising to violently eject anyone opposed to them. For more than 250 years, the state's histories have repeatedly recited Allen's self-serving propaganda condemning the trials where he made outlandish allegations of what happened, creating a very warped, incorrect account that drove his contemporaries' anger. It has also egregiously misled the public for generations thereafter. It was only through extensive archival research of court records in the New York State Archives and New York Historical Society, together with the guidance Goebel and Naughton provided, that Allen's efforts were finally exposed and an accurate rendering made of this period.

In the end, it is our centuries-old legal heritage that constitutes our principal bulwark. It allows us to both maintain vicarious contact with our forebears and to ward off the modern-day twists that politicians seek to impose on it untethering it from its roots.<sup>9</sup> It is we, the lawyers, the judges, and the lawmakers, that are the gatekeep-

ers and protectors of this past, charged with keeping the law on track. This obligation imposes on us a responsibility to our nation, our culture, our future, and to our children to be true to the teachings of our forefathers. And *Law Enforcement in Colonial New York* strongly reminds us of the timelessness of this special duty.

*Gary G. Shattuck, Esq., is a graduate of Vermont Law School, a former Vermont State Police commander, assistant attorney general and assistant U.S. attorney who also acted as a legal advisor to the Kosovo and Iraq governments. He is the author of many publications concerning Vermont history written from a legal perspective.*

<sup>1</sup> Albert J. Harno, *Law Enforcement in Colonial New York: A Review*, 43 Mich. L. Rev. 591 (1944).

<sup>2</sup> Julius Goebel, Jr. and T. Raymond Naughton, *Law Enforcement in Colonial New York: A Study in Criminal Procedure (1664-1776)*, (New York: The Commonwealth Fund, 1944), xxxvi. Since its release, a complementary work has appeared, pushing back the study of colonial legal history by decades. See also, Bradley Chapin, *Criminal Justice in Colonial America: 1606-1660* (Athens, Ga.: University of Georgia Press, 1983), 203.

<sup>3</sup> *New York Times*, August 5, 1973.

<sup>4</sup> Julius Goebel, Jr., *Felony and Misdemeanor: A Study in the History of Criminal Law* (New York: The Commonwealth Fund, 1937).

<sup>5</sup> *United States v. 12 200-Ft. Reels of Super*

*8mm Film*, 413 U.S. 123, 134 (1973). A Lexis/Nexis search of Goebel's work shows it has been cited in the federal courts more than three dozen times between 1963 and 2024 and hundreds of times in law review articles.

<sup>6</sup> *Vermont State Papers* (Middlebury: William Slade, 1823), 267.

<sup>7</sup> Frederick Jackson Turner, "The Significance of the Frontier in American History," in *The Frontier in American History* (New York: Henry Holt and Company, 1920), 1.

<sup>8</sup> John Duffy, H. Nicholas Muller, Gary G. Shattuck, *The Rebel and the Tory: Ethan Allen, Philip Skene and the Dawn of Vermont* (Barre: Vermont Historical Society, 2020), 77-118.

<sup>9</sup> Consider efforts to shoehorn so-called "zombie laws" passed long ago (i.e., Alien and Sedition Acts of 1798 and Comstock Act of 1873) into a dissimilar modern framework. See, Molly Jong-Fast, "GOP Digs Up 'Zombie Laws,'" *Vanity Fair*, December 18, 2024, <https://www.vanityfair.com/news/story/republicans-zombie-laws-comstock-act-abortion>. 🗣️

**Want to review a book for the Vermont Bar Journal?** You can review your own book or one that you think would be of interest in VBJ readers. We look especially for reviews of new titles, or new editions of old titles, that have some connection to Vermont. (A Vermont-based reviewer counts!) Interested? Send inquiries to [info@vtbar.org](mailto:info@vtbar.org).

## IN MEMORIAM

### Peter A. Cady

Peter A. Cady, 82, of Pittsford, VT, passed away Oct. 8, 2024, at the Meadows in Rutland. He was born in Hartford, CT., shortly before Pearl Harbor to Howard and Marjory Arnold Cady. Happy childhood summers in Vermont led to education at Middlebury College where he met his future wife, Kristina, on an outing club hike (he was carrying the sandwiches).

Following law school at Boston University, Peter and Kristina moved to Vermont in 1967, where he lived for the rest of his life. A long-time member of the Rutland County Bar Association, Peter is remembered by colleges for his dry humor and his skilled practice of real estate law. He served as Pittsford Town Moderator for many years. Peter's highest love was for his family, and he enjoyed boasting, embarrassingly, at times about his wife and children. His other love was folk music, and he played guitar and sang leads for almost 30 years in the local group "Woodchucks' Revenge", comprised of himself, Kristina, and two close friends. The group recorded three al-

bums which include several of his well-crafted original songs. He loved science fiction, his many cats, and his ever-rotating collection of guitars. An avid skier and runner, Peter was frequently found in Vermont woods in all seasons. He is remembered by family and friends for his wordplay and his encyclopedic memorization of off-color limericks. He was pre-deceased by his parents, sister Ellen and brother-in-law Tim. He is survived by his wife Kristina, daughter Andrea, son Ian (Megan), granddaughter Bella, as well as sisters Janet, Susan and Anne and many nieces and nephews.

### Lt. Peter James Robert Martin

Peter James Robert Martin arrived in this world on March 7, 1940, and passed peacefully into the next on Oct. 25, 2024. He was born to Peter Martin and Rosemarie (Cline) and raised in St. Albans, Long Island, and Jamaica, Queens, N.Y. Peter came to Franklin County, Vt. in 1969 along with his first wife and child, Pamela (Mesick) and Thom-

as P. Martin, later adding daughter Deidre to the family. Peter developed a great love for the countryside and farming communities during summer visits spent on his beloved grandfather's family farm in Sullivan County, N.Y. Settling in Vermont was a dream come true.

Peter attended Catholic schools from elementary through law school, graduating from Fordham Law School with a Juris Doctor degree. His scholastic career was interrupted during the years 1961 to 1964, when he volunteered for the U.S. Army and served as a proud member of the 82nd Airborne Division, in honor of the many paratrooper heroes of World War II.

Passing the Vermont bar in 1969, Peter began his career as a country lawyer, managing the various law needs of his community with honesty, candor, respect and, of course, his unerring wit. Possessing an uncanny ability to connect with people through humor, Peter developed deep and long-lasting relationships through a belief in the adages "Laughter is the best medicine" and "If you can't laugh at yourself, who can you laugh at?" Or was it that mis-

chievous Irish glint in his eyes that won people over? Peter retired in 2023, after a diagnosis of cancer, ending his career of 54 years.

During those years, Peter had the honor of working with a great many esteemed colleagues and members of the court, as with his many clients, several for whom he represented successive generations. Peter shared the office with his longtime colleague of 35 years, Don Pellman, for whom he had great regard. Don and his family were as Peter's extended family.

Peter met and later married the love of his life, Evelyn Palardy, with whom he spent 33 short years. They split their time between their sugar bush in Fairfield, their boat on the lake and each other's embrace at home. The times they shared on the lake with friends and family were particularly special, often opening the boating season renting a slip on the waterfront during the Burlington Jazz Festival.

Peter is survived by his wife, Evelyn Martin; their son, Josip Martin, his wife, Maria Paula Arboleda Martin, and their children, Bruce and Celine; son Thomas P. Martin, his wife, Cindy, and their son, Colin, of Albuquerque N.M.; his McCaughly grandchildren, Caitlin, Alex, Thomas, Edward and Jacob, all of North Carolina; and his special Martin cousins, James of Delaware, Robert of Connecticut, Thomas (Rosemarie) of Long Island, Ann Marie Brull (John) of Rockville Center, Joseph Martin of New York and Marilyn Evans of Florida.

Peter was predeceased by his parents and grandparents; daughter, Diedre McCaughly; his in-laws, Joseph and Rejane Palardy; beloved brother-in-law Guy Palardy; and, with great sadness, grandson Thomas P. Martin Jr.

The family cannot express enough gratitude to the incredibly capable and caring hospice staff at VNA & Hospice of the Southwest Region in Rutland (formerly Franklin County Home Health), a profession of people providing exceptional support through this time of transition and loss.

Thanks also to the extraordinary group of friends present at Peter's time of passing, who toasted him as he left his longtime home and who, along with A.W Rich Funeral Services of Fairfax, orchestrated a dignified and respectful send-off. Taps was played for Peter's service to his country, as well as Bob Marley's "One Love," reflecting his spirit, as he was carried down Main Street in St. Albans.

### Thomas S. Durkin

Hon. Thomas S. Durkin, a dedicated family man and friend, as well as a well respected member of the Vermont legal community passed away peacefully on Dec. 3, 2024 after a courageous battle with cancer. He

was surrounded by his loved ones, and overlooking the beautiful property he had maintained for nearly four decades. He was 67 years old.

Tom was born in Brighton, MA and raised in Marlboro, MA. He developed a love for southern Vermont at a young age while traveling to ski at Hogback in Marlboro, Vermont with his "family" of both blood relatives and those who he would hold close for his entire life. Tom graduated from Marlboro College and earned his law degree from Vermont Law School. His passion for justice and his unwavering commitment to environmental stewardship defined a career that spanned decades and touched many.

Tom began his legal career serving the people of southern Vermont with integrity and a profound sense of responsibility. He established a trusted practice with a lifelong friend and instilled a dedication to service through many volunteer positions. His exceptional legal mind and commitment to fairness later led to his appointment as a Superior Court Judge on Vermont's Environmental Court, where he presided for twenty years. As a judge, Tom was known for his fairness, thoughtful rulings, mentorship and dedication to protecting Vermont's natural beauty.

Among his many contributions to the Vermont legal community, Judge Durkin was a long-time member of the Board of Managers of the Vermont Bar Association. A pioneering environmental court judge, he was honored on Sept. 12, 2024 at a special meeting and reception at the State House sponsored by the VBA's Environmental Law Section. Two weeks later (Sept 27), then-VBA President Judith Dillon presented him with The President's Award at the VBA's Annual Meeting at Lake Morey. This award, bestowed in the discretion of the president, recognizes those who have made exceptional contributions to the Bar. Judge Durkin and his family attended both events.

Beyond his professional achievements, Tom was a loving husband to his wife Sue, who he met skiing in those early days at Hogback. They were married for over 42 years and were devoted parents to Michael, Emily and Caitlin. He was a steadfast friend to many and always welcomed an unexpected visit to catch up in the driveway or share a conversation on the deck. As a true Vermonter and avid outdoorsman, Tom found solace in gardening, a peaceful walk in the woods, hitting the slopes with his grandkids and taking care of his beautiful 200-year-old farmhouse. He also had a love for the salty air, spending many happy days sailing the waters, and cruising the beaches of his beloved Cape Cod.

Tom's kindness, wisdom, and unwavering principles left an indelible mark on all who knew him. His legacy as a committed father, friend and protector of justice will

be remembered and honored by his family, friends, colleagues, and the countless individuals whose lives he touched.

He is survived by his wife Susan, his son Michael and his wife Brianna, his daughter Emily and her husband Brandon and his daughter Caitlin and her husband, William. He also leaves behind his seven adoring grandchildren, Callum, Marley Rose, Bennett, Everett, Hudson, Isabella and Natalie as well as his father Tom Durkin, Sr., and his sisters Patte and Tracy, nieces, nephews, and dear friends. He was predeceased by his mother Janet Durkin and brother Peter.

The family wishes to extend their gratitude to the medical staff at Dana-Farber, DHMC and Bayada Hospice for their compassionate care and to their incredible friends and family for their support during this difficult time.

Tom's memory will forever be a guiding light to those who strive for a better and fairer world.

### Charles Desmond (Chad) Hickey

Charles Desmond (Chad) Hickey died on Dec. 4, 2024, at home in North Danville, Vermont. He was 82.

Chad was born on July 19, 1942, and grew up in Rockford, Illinois. He led a full life, enjoying his family, traveling, sailing and skiing all over the world and tending to his land, woods, and tractors.

He spent two years during and after college at school in Europe, traveling the continent and in west Africa. He worked for a summer building a well and a school soccer field in Mauritania, West Africa before college.

After college and law school at Georgetown University, Chad worked for the Washington D.C. Public Defenders Service as a criminal defense attorney. Married to Lucy Oppenheimer in 1971, they moved to Morocco shortly afterward where Chad worked setting up legal training programs for civil servants in West African nations.

He and Lucy travelled extensively in West Africa for his job but Chad also took time off to hitchhike across the Sahara desert, riding on the back of date and oil trucks and taking a boat up the Niger river.

Chad had hoped for a career in international law but returned to the US in 1973. He and Lucy moved to Danville where he worked for Vermont Legal Aid, going into private practice in 1979. Chad practiced law in St. Johnsbury until the end of his life.

Chad is survived by Lucy of N. Danville; his daughter Lisa (Peter Mudd) and their children Leo, Ella and Rose Mudd of S. Burlington, Vt.; his daughter Johanna Reagan (Tyler Turner) and children Malachi and Macallister Reagan and Beau and Isla Turner of



Hooksett, N.H.; son Aaron (Kristin) and their daughters Sophia and Addison of Coventry, Conn.; and brothers Conn (Christina) of San Francisco, Calif., and Martin (Mary) of Albuquerque, N.M., and several nieces and nephews. He also leaves behind his office family, Candace Bussiere, Margaret Borgstrom and Lynn Norris.

Chad said this summer that he had lived a full life, doing the things he loved and wanted to do. He loved his family, and his work, he enjoyed community connections and the rewards it brought. He was at peace with the life he led.

A memorial service will take place at a later date.

## Mary Elizabeth Casey

Mary Elizabeth Casey, aged 59, died Dec. 14, 2024. Mary grew up in South Hadley, MA, graduating from South Hadley High School in 1982. She received her bachelor's in economics and political science from UMass Boston after she and Michael Averill moved to Salem, MA. While advocating for clients at a Lynn, MA soup kitchen, she was dubbed "Saint Mary" and a judge urged her to become an attorney. She earned her master's in public administration and her Juris Doctor simultaneously from Suffolk University Law School, moved to Fairfax, VT, and practiced law at Kissane Associates. Later, she worked with Michael at Averill Engineering and eventually relocated to Brattleboro, VT.

They renovated a historic home in Salem, MA and their 1819 home in Brattleboro, VT. She enjoyed walking on wintery beaches in Salem, boating on Lake Champlain, hiking with her dog, Baxter, in the woods in Fairfax, canoeing on the Connecticut River, visiting museums, cultivating gardens, and just being in nature. She cared deeply for her family, friends and communities. She served on the Design Review Board in Fairfax. In Brattleboro, she was on the board of directors of Thompson House and Holton Home, active in town government, and helped sustain the town's flowers.

Mary was a lifelong reader of fiction and non-fiction. Michael cooked delicious, wholesome meals, and Mary baked. She did not dwell on her health challenges. Mary began many days walking their current dog, Molly. Michael willingly assisted with her many projects and causes. Mary loved her life with Michael.

Mary Casey is survived by her siblings Mark Espy and Karen Casey, her niece Casey Gould, and her husband of 37 years, Michael Averill.

## Edward Zuccaro

Edward Richard Zuccaro, aged 81, of St. Johnsbury, VT, passed peacefully at his home, Jan. 13, 2025, with his family at his side, after a three-year battle with prostate cancer.

Ed was born Feb. 5, 1943 in NY, NY, to Edward Joseph and Malvina "Melve" (Broglio) Zuccaro. He grew up in Floral Park, NY, and graduated from Floral Park High School in 1960. He joined Army ROTC and graduated with a BS in Political Science from UVM in 1964. He earned a Juris Doctor degree from New York Law School in 1967.

Ed met the love of his life, Carol Ann Bessette of St. Johnsbury, in the summer of 1965, while working as a law clerk for Witters, Akley and Brown. They were married on Oct. 7, 1967. In March of 1968, Ed went on active duty in the US Army, went through Officer Basic Training at Ft. Benjamin Harrison in Indianapolis, was promoted to Captain, and assigned to AFEES Buffalo where he served for two years.

Following the Army, he returned to Witters Akley and Brown, and in 1972 Ed and David Willis started their own highly regarded law firm, Zuccaro & Willis. He retired in 2022. Throughout his career Ed was deeply involved in the community. For most of his legal career he served as Town Attorney for St. Johnsbury and for some surrounding towns. He was dedicated to serving and supporting the community in many ways.

Ed was elected to the VT State Legislature in 1980 and served from 1981-1988. Ed also served as Chair of the University of Vermont Board of Trustees, was a Corporator of Northeastern Vermont Regional Hospital, and a member of the Vermont Judicial Nominating Board serving as Chair from 1986-1988. He served on the Douglas Prison Commission on moving Vermont prisoners out of state, the Vermont Lawyers Professional Conduct Board, and dedicated many years of service on the Board of the Wyndham Foundation, providing financial support to small businesses. Ed was a dedicated member of Rotary Club and enjoyed volunteering as a timekeeper at Rotary basketball games. He served on the Passumpsic Bank Board of Trustees and Board of Directors of the Passumpsic Bank from 2002-2016, and as Chair of both from 2011-2016. Ed was a faithful and active member of Corpus Christi Parish. He served on the Board of Good Shepherd Catholic School and was a founding member of the Good Shepherd Foundation. Ed was particularly proud of serving on the St. Johnsbury Academy Board of Trustees and did so until his death.

Ed was a loving, generous and fun husband, father and grandfather. He loved skiing at Burke Mtn. and sailing on Lake Memphremagog. He enjoyed many family vaca-

tions at the Cape and other beaches, international travel, especially by train and cruise ship, and sailing in the Caribbean and Mediterranean. He loved books and reading about travel, history and most of all he loved a good mystery. Ed really enjoyed his twice weekly lunches with his buddies—the ROMEOS (Retired Old Men Eating Out): Don Bostic, Werner Heidemann, Robert Miille, Ron Steen, John Bongaarts, Dave Brown, Peter Crosby, Frank Empsall, Charley Lawrence, and Stan Pekala.

He is survived by his beloved wife of 57 years, Carol Zuccaro of St. Johnsbury, his son, Rev. Fr. James Zuccaro of Charlotte, VT, his daughter, Gina Towle (Wyeth) and their children Camila & Rosalie of Oceanside, CA, and many brothers-in-law, sisters-in-law, cousins, nieces and nephews.

Ed was predeceased by his parents, his sister, Lorraine Berube and his brother-in-law, Pierre Berube and his brother-in-law, Reggie Bessette.

Throughout the three years of dealing with cancer, Ed maintained a positive attitude and faced his challenges with stoicism, grace, dignity and strength. Ed was eternally grateful for the tremendous care he received from the nurses and doctors at NVRH, UVM Medical Center, Caledonia Home Health and Hospice, Hands at Home, the St. Johnsbury Fire Department and CALEX.

A Graveside service with Military Honors will be held in June of 2025 at the Mt. Calvary Catholic Cemetery in St. Johnsbury, VT.

## Thomas Salmon

Thomas Paul Salmon, a Democratic politician who served as the 75th governor of Vermont and later became president of the University of Vermont, died on Jan. 14, 2025 at Pine Heights Rehabilitation Center in Brattleboro, Vermont. He was 92.

Raised in the Boston area, Gov. Salmon made Vermont his home and left an indelible mark on the Green Mountain State through a lifetime of public service spanning over six decades. He held a particular love for Bellows Falls where he resided for most of his life and raised his family. His political career was characterized by bipartisanship and a commitment to civil discourse, even on divisive issues.

Gov. Salmon's journey into public service was inspired by then-Senator John F. Kennedy's description of politics as "the art and science of government." This spark led him to join Kennedy's campaign alongside other local Bellows Falls residents, setting the stage for his own political future.

Gov. Salmon burst onto Vermont's political scene in 1972 with what he later called "the biggest political upset in Vermont his-

tory," winning the governorship just three months after entering the race. His campaign slogan, "Vermont is not for sale," resonated with voters and became a cornerstone of his approach to governing. He served two terms as governor from 1973 to 1977, during which he chaired the New England Governors' Conference and sat on the National Governors Association's Executive Committee.

As governor, he implemented significant reforms, including a groundbreaking property tax relief program in 1973. This initiative aimed to reduce the tax burden on

low-income and elderly Vermonters, benefiting approximately one-third of the state's households and allowing many to remain on their land and in their homes. His efforts to protect Vermont's land and environment from rapid development and out-of-state speculation earned him recognition beyond the state's borders. In 1975, Time magazine named him one of America's 20 outstanding young leaders.

After leaving office, Gov. Salmon continued to shape Vermont's future, serving as interim president of the University of Vermont in 1991 before taking on the role

permanently from 1993 to 1998. He also chaired the board of Green Mountain Power from 1983 to 2002. Throughout this time, he maintained his legal career, forming a law partnership, Salmon and Nostrand, with George Nostrand in Bellows Falls.

Born on August 19, 1932, Gov. Salmon was raised in Stow, Massachusetts, and attended Hudson High School. He earned his undergraduate degree and law degree from Boston College, followed by a master's in taxation from New York University Law School. In 1958, he moved to Vermont, where he would spend the rest of his life in service to his adopted state.

Gov. Salmon's professional journey in Vermont began when he established a law practice in Bellows Falls in 1959. That same year, his political career took off as he was elected to the Rockingham Town Council. He went on to serve as a municipal court judge in Bellows Falls and as a member of the Vermont House of Representatives, including a stint as House Minority Leader.

A proud Irish-American, Gov. Salmon had a deep appreciation for literature, storytelling, Irish music, and a good whiskey. He was known for his quick wit and sense of humor, which he brought to all areas of his life. An avid sports fan, he attended over 20 Super Bowls and was a loyal supporter of the Patriots, Red Sox, and Bruins.

Throughout his life, Gov. Salmon cultivated deep and lasting friendships. He maintained a close circle of friends over several decades, many of whom he outlived. These friendships were a source of joy and support throughout his personal and professional life, providing a bedrock of camaraderie as he navigated the challenges of public service and beyond.

Gov. Salmon credited his mother, Lucy Moylan Conlon Salmon, as a primary influence in his life. She instilled in him the values of hard work, resourcefulness, and service to others, especially those less fortunate. These principles guided his approach to public service throughout his career.

He is survived by his four children: Anne Darby and Caroline Griffin, both of Melbourne, FL; Marguerite Salmon of San Francisco, CA; and Thomas M. Salmon of Rockingham, VT. He also leaves behind six grandchildren, 2 great-grandchildren and second wife, Susan J. Bisson-Salmon. Madeleine "Madge" G. Kelley, the mother of his children, preceded him in death.

In a state known for its independent streak, Thomas P. Salmon will be remembered as a leader who brought people together, championed education, and dedicated his life to the betterment of Vermont and its people. His legacy is not only in his political achievements but also in the enduring friendships and connections he fostered throughout his life. 🕊️

## CLASSIFIEDS

### SERVICES

#### QDROs (QUALIFIED DOMESTIC RELATIONS ORDERS).

I prepare QDROs and other retirement pay and pension benefit domestic relations orders for federal, state, municipal, military and private retirement plans as may be required by the terms of the settlement agreement or the court's final order.


I handle all initial contacts with the plan or third party administrator and provide all necessary processing directions when the order is ready for filing.

Vermont family law attorney since 1986. Contact me for additional information and preparation rates.

Tom Peairs, 1-802-498-4751, tpeairs@sover.net, www.vtqdro.com

*Here's the Fall Journal's Crossword Solution!*

S	A	M	E		A	L	I	T	O		P	E	R	K
K	N	O	W		D	E	F	O	E		A	L	O	E
I	N	T	E	R	V	E	N	O	R		I	S	L	E
N	A	H		A	A	R	O	N		I	N	A	L	L
			P	I	N		T	I	L	T	S			
I	N	F	A	N	C	Y		E	Y	E		P	B	J
N	O	O	R		E	A	T		E	M	P	I	R	E
D	O	R	M	S		Y	E	A		S	I	N	U	S
E	S	T	A	T	E		M	R	I		S	O	T	U
X	E	S		R	A	N		I	N	M	A	T	E	S
			S	A	R	A	H		C	A	N			
R	E	N	E	W		R	I	P	E	R		P	H	O
A	M	I	E		I	N	J	U	N	C	T	I	O	N
M	I	N	K		V	I	A	L	S		I	N	G	E
P	T	A	S		F	A	B	L	E		P	A	S	S



# Will this be the day that your computers & network FAIL?

**Losing data and being a victim of a security hack is unimaginable. 60% of businesses that are breached go out of business within a year.**

**TCi can help eliminate that concern so you can concentrate on what you do best... run your business.**

Our services include:

- Managed IT Services
- Data Backup and Recovery
- Cloud Computing
- Network Security
- Hosted Phone Services, VoIP
- Office 365



Why use TCi?

- Quick response
- Reputable
- Experienced
- One Stop Shop
- 100% Satisfaction Guarantee

**Call for a free consultation: (802) 865-4409    [Info@TCiVT.net](mailto:Info@TCiVT.net)**

**Visit: [TCiVT.net/lawfirms](http://TCiVT.net/lawfirms)**

To download your free *"The Vermont's Law Firm Guide to IT Support Services and Fees"*

Vermont Bar Association  
PO Box 100  
Montpelier, Vermont 05601-0100

PRESORTED  
STANDARD  
U.S. POSTAGE  
PAID  
PERMIT NO. 42  
BARRE VT

**DATED MATERIAL  
PLEASE DO NOT DELAY**



Tailored Investment Management  
& Trust Administration Services



Brattleboro ■ Burlington ■ Manchester ■ Rutland ■ Keene, NH

[tcvermont.com](http://tcvermont.com)