

Form Name:	Questions for Emeritus Lawyers
Submission Time:	September 3, 2020 1:30 pm
Browser:	IE 11.0 / Windows 7
IP Address:	75.68.249.40
Unique ID:	656072968
Location:	44.278800964355, -72.61710357666

Questions for Emeritus Lawyers

Name	Richard Brock
Email	richard@brockandbrocklaw.com
Date	Sep 03, 2020
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1. Why did you decide to become a lawyer?	My father was a lawyer and so I grew up being aware of the profession. Ultimately I think I chose being a lawyer and private practice as a way to assure autonomy. I really did not want to work for someone else.
2. What year were you admitted to practice in Vermont?	1971
3. Where did you first practice?	Montpelier
4. When you started out in practice, who were some of the senior lawyers in your area, and what do you recall about them?	My mentor was Austin Noble. I then I met Peter Sidel and he and I learned how to open and run a law office. Kim Cheney taught me most of what I know about people and litigation.
5. When you started out in practice, who were some of the judges you first practiced before, and what do you recall about them?	Stephen B. Martin and John P. Connarn were sitting in Washington County. They were good listeners and were willing and able to make a decision.
6. What type of law did/do you practice? Was the practice of law different than what you thought it would be?	<p>I currently do mostly credit union law, estates, estate and elder law type planning, and real estate.</p> <p>I actually realize on reflection that in 1971 I did not have a clear idea of what practicing law on Main Street might be like. One important change from 1971 is that most lawyers, including myself, have a more restricted practice now than then. I think that may be because the law is much more complicated now.</p>
7. Did you have a mentor/role model/favorite lawyer to emulate? Who was it? Why?	Probably Austin Noble: Unflappable, careful, hardworking and with a sense of humor.
8. What was/is your favorite part of being a lawyer?	Helping people solve problems
9. What was/is your least favorite part?	Running the business

10. What is your favorite anecdote from your years of practice? I do not have a favorite. I did realize early on that I was meeting, seeing and hearing some interesting people and stories. It occurred to me that I should keep notes and someday write a book in the vein of Deane Davis' "Justice in the Mountains." I always felt too busy to do so.

11. What types of of pro bono work have you typically done over the years? The best type is helping people to understand what their problems are and how they might deal with them. In my experience many of the people who cross a law office's threshold know they have a problem, However, they do not know what it is. They mis-diagnose it. That leads often to a course of action that will not solve the problem. Lawyers can help.

The worst kind of pro bono is litigating when there is really not much more than a grudge at stake.

I suggest that the time to be allocated to a pro bono client be limited in the fee agreement - in advance. That encourages prompt resolution as opposed to litigating for "the principle of the thing."

12. What advice would you give a new lawyer today? Private practice is about the only thing on which I could give advice. It has its challenges. They would not pay us if it were all fun. However, it has given to me a reliable income, autonomy, interesting and rewarding work, and the choice to live in Vermont. I believe that it will do that for a young lawyer who goes into private practice today. As my father's law school told him, "if you take care of your office it will take care of you." And, you can do it here - in Vermont!

13. What else would you like to share about your years in the profession? I would do it again.

Form Name: Questions for Emeritus Lawyers
Submission Time: September 9, 2020 11:45 am
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IP Address: 174.196.208.51
Unique ID: 658419997
Location: 37.750999450684, -97.821998596191

Questions for Emeritus Lawyers

Name	Carl Lisman
Email	clisman@lisman.com
1. Why did you decide to become a lawyer?	I thought it would be a way to help people.
2. What year were you admitted to practice in Vermont?	1970
3. Where did you first practice?	New York city
4. When you started out in practice, who were some of the senior lawyers in your area, and what do you recall about them?	Perry Feen was the dean of the Chittenden County bar (but had clerked for George Angel who was still practicing)! It was a small group, probably not more than 100.
5. When you started out in practice, who were some of the judges you first practiced before, and what do you recall about them?	I saw a lot of Bill Hill, Wynn Underwood and Frank Billings when I started.
6. What type of law did/do you practice? Was the practice of law different than what you thought it would be?	My training in New York was as a corporate/securities lawyer. I became the lawyer in our offices who did everything but jury work.
7. Did you have a mentor/role model/favorite lawyer to emulate? Who was it? Why?	I clerked for Sterry Waterman on the Second Circuit and then went to work with my dad and uncle after NYC so I had lots of mentors!
8. What was/is your favorite part of being a lawyer?	Working with people.
9. What was/is your least favorite part?	Billing.
10. What is your favorite anecdote from your years of practice?	Too many to recite here....
11. What types of of pro bono work have you typically done over the years?	Primarily it's been with the Uniform Law Commission.
12. What advice would you give a new lawyer today?	Find an area of the law that excites you, then become knowledgeable in that area.

Form Name:	Questions for Emeritus Lawyers
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Questions for Emeritus Lawyers

Name	Roger Kohn
Email	rkohn@kohnrathlaw.com
Date	Sep 10, 2020
Please upload a photo of yourself	https://s3.amazonaws.com/files.formstack.com/uploads/4014853/97219515/658909516/97219515_roger.jpg
1. Why did you decide to become a lawyer?	I did not do well as a physics major in college, and everyone who knew me assumed I would become a lawyer.
2. What year were you admitted to practice in Vermont?	1972
3. Where did you first practice?	I clerked for Judge Bernard Leddy at the Federal District Court, followed by Legal Aid.
4. When you started out in practice, who were some of the senior lawyers in your area, and what do you recall about them?	It would not be fair to name the insurance defense lawyers who I found so difficult to deal with. I dealt with most of the senior members of the bar. Albert Coffrin was very well respected, and I clerked for him briefly after Judge Leddy died during my clerkship. I got to litigate some of my first matters against Alan Paul and John Downs, which was most interesting. It makes me feel very old to now be dealing with the sons and daughters of many of the attorneys who I dealt with originally!

5. When you started out in practice, who were some of the judges you first practiced before, and what do you recall about them?

Federal Judge Bernard Leddy was wonderful to clerk for and was a wonderful person. He always wanted to do the right thing and help the little guy (he had run for Governor as a Democrat, and paved the way for Phil Hoff to get elected as the first Democrat in many years).

I tried my first jury case before Judge Hill. He lived in Monkton and every time I went into chambers he complained about the bad driveway of my Hinesburg house (which I still live in). In that first case, I objected to the fact that Judge Hill would not tell us his proposed charge before final argument. We won the case, but the opposing counsel appealed on the grounds that Judge Hill was wrong to deny my motion (although opposing counsel had not objected), and the Supreme Court agreed with opposing counsel and remanded!

Judge Larrow was a wonderful, intelligent, judge, but he had sentenced Paul Chicoine to jail for civil contempt for failure to support his wife (who said she prayed for him every night). Chicoine had been in jail longer than anyone else in Vermont except two prisoners, largely because he didn't trust lawyers and would never ask for help. Legal Aid wanted to do something about this. Matt Katz and I went down to the Chittenden Superior Court and Judge Larrow made it clear that he didn't think we should be trying to get him out. I took the case with me pro bono when I left Legal Aid, and one of my first cases was to appeal to the Vermont Supreme Court for his release. The story is longer, and more interesting - but we got him released. He had a heart seizure on the steps of the courthouse the day he was released (although he recovered fine), but was unhappy that I had obtained his release because the state did not have to pay his medical bills.

I tried a multiple death railroad crossing case before Judge "Spike" Dier. I lost the case, but one thing I remember is that my wife was pregnant and I wanted the case delayed until her delivery and Judge Dier granted my motion after giving me a hard time because he said he had not been present for the birth of any of his children. Judge Dier was famous for granting summary judgment and being reversed.

6. What type of law did/do you practice? Was the practice of law different than what you thought it would be?

I do pretty much all types of law other than divorce and criminal law (although at the beginning of my practice I did do a fair amount of divorce). Some people refer to this a "door practice" - i.e., whatever walks through the door. I mostly have represented consumers and individuals, and have seldom done defense work (and never insurance defense). Real estate, personal injury, and employment law have been a substantial amount of my practice.

When I first started practice, I was surprised at how I could get involved in interesting cases rather than carrying someone's briefcase as would be true in a big city firm. I was also surprised at how little lawyers earned - in the early years Vermont lawyers really charged very little.

BTW, I have no plans whatsoever to retire.

7. Did you have a mentor/role model/favorite lawyer to emulate? Who was it? Why?

Other than Judge Leddy, for whom I clerked, my real mentors were the folks at Legal Aid - particularly John Dooley, who taught me that there was always an argument to be made for our clients because we had no choice - they needed a defense! My office was between Matt Katz on one side and Mike Kupersmith on the other side, so I had good folks to consult with.

8. What was/is your favorite part of being a lawyer?

I like being able to help people resolve the issues which are causing them trouble. Negotiation is fun.

9. What was/is your least favorite part?

I would always much rather have a good lawyer on the other side of a case than a poor lawyer.

10. What is your favorite anecdote from your years of practice?

Although I do not practice criminal law, David Rath (who is still my law partner) and I were assigned by Judge Coffrin to try a bank robbery case; Karen McAndrew was prosecuting. Our defense was that the main prosecution witness was crazy, and we took depositions of the psychiatrist he used to plead not guilty by reason of insanity in a previous case. Although he was certainly mentally ill, the jury found him credible, but the client was convicted of unarmed robbery instead of armed robbery because he used a fake gun (a defense that would no longer work). All the tellers said they didn't know if the gun was real - except for a teller who said he knew guns and he knew it was real. I went to the defense table, and pulled out a tagged ski mask, a tagged pair of jeans, and a tagged gun. The teller said it was real - and repeated that when asked half way to the witness stand and again when I was right in front of him. But this was my ski mask, my jeans, and the King of the West cap pistol we had purchased before trial. The federal Marshall told me he was most unhappy that we had pulled out a gun in his court!

Another anecdote: shortly after leaving Legal Aid I brought a federal class action to declare the state's motor vehicle license suspension procedure to be unconstitutional. Licenses were suspended at the discretion of the motor vehicle department with the procedure not being disclosed. My favorite facts developed during depositions was that licenses were suspended one year for each person killed in an accident and that licenses were suspended for 6 months for a conviction for reckless driving, but one year if the individual had been charged with driving under the influence but convicted of the lesser offense of reckless driving. I had obtained an agreement for a preliminary injunction against license suspension for anyone who was a plaintiff - many members of the bar joined the case as plaintiffs when they heard about this! The case settled by the state agreeing to develop a point system; in fact we wrote the state's first point system as part of the settlement judgment.

And, of course, I have many other anecdotes.

11. What types of of pro bono work have you typically done over the years?

I have done a fair amount of pro bono work for consumers, and have always tried to charge a low amount for those who couldn't afford full legal fees. Throughout my career, including now, I have thought it important to offer free legal advice over the phone to anyone who called me - it is surprising how quickly and easily you can guide many people to understand either that they do not have a case, or how they should proceed.

12. What advice would you give a new lawyer today?

i think one of the most important things a lawyer can do for a client is to try to make the client deal realistically with the matter, rather than what the client thinks he or she should do. This is commonly called "client control". It is important to tell the client what you really think rather than what the client wants to hear.

13. What else would you like to share about your years in the profession?

Our job is to help people with issues that bother them greatly. I think the bar and the judiciary are doing an excellent job (and by the way, a much better job than was done years ago).

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Questions for Emeritus Lawyers

Name	James Gallagher
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Date	Sep 10, 2020
Please upload a photo of yourself	https://s3.amazonaws.com/files.formstack.com/uploads/4014853/97219515/659148888/97219515_080320.jcg.alaska.sockeye_2.jpg
1. Why did you decide to become a lawyer?	Hard to remember all the factors, but they included a desire to return to Vermont, have a chance to earn a decent living and play a significant role in my community.
2. What year were you admitted to practice in Vermont?	1971
3. Where did you first practice?	Downs & Rachlin (now Downs Rachlin Martin) law firm in St. Johnsbury
4. When you started out in practice, who were some of the senior lawyers in your area, and what do you recall about them?	In my first year or two of practice, there were four lawyers honored by the county bar association, each of whom had practiced in St. Johnsbury for more than 60 years: Arthur Graves, Harry Witters, Sam Richardson and James Campbell. This was an encouraging prospect for longevity. At that time, St. Johnsbury attorneys Sterry Waterman was a judge on the 2nd Circuit Court of Appeals and Albert Barney was an Associate (later Chief) Justice of the Vermont Supreme Court.
5. When you started out in practice, who were some of the judges you first practiced before, and what do you recall about them?	As I recall, there were only a half-dozen or so Superior Court Judges, most of whom went on to serve on the Vermont Supreme Court. Robert Larrow had a sharp wit and a keen legal mind. Rudolph Daley was soft-spoken and kind to us neophytes. Wynn Underwood had a great sense of humor and was very pleasant to try cases with. William Hill, later became entangled in the Jane Wheel scandal in Chittenden Superior Court. Franklin Billings, Jr., stern but fair (In a bench trial in Rutland Superior Court I tried a relatively minor insurance company subrogation, and was greeted with "the next time you have a case this size Mr. Gallagher, bring it in Justice Court."). Ernest Gibson, III was perhaps the kindest, most considerate jurist in my experience. Stephen Martin, the only surviving judge from my early career, denied more of my summary judgment motions ("I think we will let the jury hear the evidence Mr. Gallagher") than any other judge.

<p>6. What type of law did/do you practice? Was the practice of law different than what you thought it would be?</p>	<p>After a short period of general practice, I focused on civil litigation, primarily, but not exclusively, for the defense. I hadn't known what to expect, but did find it took a surprising toll on my stomach lining.</p>
<p>7. Did you have a mentor/role model/favorite lawyer to emulate? Who was it? Why?</p>	<p>Bob Rachlin, the senior litigator at our firm, taught me to respect the court and our adversaries, prepare well, develop a consistent strategy, marshal the evidence to support it and be prepared to try the case if unable to reach a reasonable settlement. At the same time, with our defense practice, I had many opportunities to learn important lessons, sometimes the hard way, from the likes of plaintiff attorney Richard Davis of Barre and defense counsel Fletcher Joslin of Montpelier.</p>
<p>8. What was/is your favorite part of being a lawyer?</p>	<p>Trying a case, after the first two hours of the trial.</p>
<p>9. What was/is your least favorite part?</p>	<p>The first two hours of a trial.</p>
<p>10. What is your favorite anecdote from your years of practice?</p>	<p>In a first degree murder case in Rutland Superior Court, Wynne Underwood presiding, I was second chair to Bob Rachlin. At about 11:45 one morning during our defense, Judge Underwood asked Mr. Rachlin if he had a short witness, hoping to fill the brief time before lunch. Mr. Rachlin responded "A short witness? Indeed I do you honor. Defendant calls Gary Rollo." The witness, drew himself up to his full five feet of height and made his way to the stand. When his brief testimony concluded, Judge Underwood, visibly biting his lip, said he would see counsel in chambers, where he greeted all of us with uncontrollable laughter.</p>
<p>11. What types of of pro bono work have you typically done over the years?</p>	<p>Most of the matters I have taken on have been civil litigation cases, including cases for the Vermont Volunteer Lawyers Project, such as household foreclosure defenses, boundary line disputes, contested tax sales, expungements of criminal records as well as acting as guardian-ad-litem for youthful offenders and sitting as acting judge in Essex and Caledonia Small Claims Court.</p>
<p>12. What advice would you give a new lawyer today?</p>	<p>Get exposed to a broad area of the practice for a short time and then focus your efforts on an area where you can develop an expertise. Try to picture what the practice will be like ten years from now.</p>

13. What else would you like to share about your years in the profession?

In the 1970s, counsel could enter a courthouse without security clearance, make ones way to chambers, knock on the door and say hello to the court before the matter commenced. At the same time, it was common to stop by counsel room to say hello to opposing counsel if one had not already met him (or, occasionally, her) in chambers. Much of that earlier cordiality has been lost, in part because of security needs and in part because of the increased size of the bar. At the same time, in part attributable to widespread and not-always tasteful advertising, public respect for the bar has taken a hit. That said, law is a learned profession and plays an important role in civilized society and I encourage lawyers to do what they can to foster collegiality among members of the bar and to act in a way that will foster respect for the profession.

Form Name:	Questions for Emeritus Lawyers
Submission Time:	September 11, 2020 12:10 pm
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Questions for Emeritus Lawyers

Name	Bob Simpson
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Email	rsimpson524@gmail.com
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Date	Sep 11, 2020
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1. Why did you decide to become a lawyer?	After I got out of the Army in 1971, I became a reporter for the Barre-Montpelier Times-Argus, covering criminal trials and Vermont Supreme Court arguments. Seeing the important work those lawyers did made me realize that I wanted to try to become a lawyer.
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2. What year were you admitted to practice in Vermont?	1979
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3. Where did you first practice?	Deputy State's Attorney-Chittenden County
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4. When you started out in practice, who were some of the senior lawyers in your area, and what do you recall about them?	Dick Davis had a reputation as being the best trial lawyer in Vermont. He worked hard, "gave his all" for his clients and would go anywhere to try any kind of case.
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5. When you started out in practice, who were some of the judges you first practiced before, and what do you recall about them?	Judge Edward Costello was the only judge in District Court in Chittenden County. He took a personal interest in everyone who appeared before him -lawyers and defendants.
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6. What type of law did/do you practice? Was the practice of law different than what you thought it would be?	I tried cases-mostly criminal and administrative agency cases. When I started out, it was a pleasant surprise to realize that opposing counsel were able to get along well with one another despite the tension that comes with trial work.
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7. Did you have a mentor/role model/favorite lawyer to emulate? Who was it? Why?	I did not have a mentor. But I tried to follow the example set by Matt Katz, Charlie Tetzlaff and Bill Gray. They were smart, principled and usually got good results.
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8. What was/is your favorite part of being a lawyer?	Jury trials.
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9. What was/is your least favorite part?	Meeting with victims and telling them that i had lost the case.
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10. What is your favorite anecdote from your years of practice? When I was a new prosecutor, I was told there was man willing to testify about what a murder suspect had said about the homicide while they were in jail together. But the man wanted a "deal" on his own sentence. I told him I could not give him a deal; but "in the interest of justice", I was entitled to know what the suspect had said. He looked directly at me and said: "I can't recall." (five second pause) "At this time."

11. What types of of pro bono work have you typically done over the years? I have volunteered my time to serve on boards and committees such as: Vermont Evidence Rules Advisory Committee (1998-2012); the Burlington Election Commission (1999-2002); the Vermont - Karelia Rule of Law Project (2005-2008); the Burlington Police Commission (2016-2019); a committee appointed by Bishop Coyne to review records of the Vermont Roman Catholic Diocese to identify priests who had been "credibly accused" of sexually abusing minors (2018-2019)

12. What advice would you give a new lawyer today? Make it a practice to keep up with developments in technology.

13. What else would you like to share about your years in the profession? I have been lucky to have the opportunity to be a lawyer in Vermont.

Form Name:	Questions for Emeritus Lawyers
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Unique ID:	659969788
Location:	33.55899810791, -112.43199920654

Questions for Emeritus Lawyers

Name	John Nicholls
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Date	Sep 11, 2020
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1. Why did you decide to become a lawyer?	I thought it would be a way to contribute to society and help Vermonters.
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2. What year were you admitted to practice in Vermont?	1974
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3. Where did you first practice?	Barre, Vermont
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4. When you started out in practice, who were some of the senior lawyers in your area, and what do you recall about them?	Richard Davis, Reginald Abare, John Bernasconi, Bud Otterman, Ed Free, Tom Koch. They were all helpful in giving advice when I had a question about a particular case.
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5. When you started out in practice, who were some of the judges you first practiced before, and what do you recall about them?	Judge Stephen Martin, Judge Nora Olich, Judge Teachout.
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6. What type of law did/do you practice? Was the practice of law different than what you thought it would be?	When I first started out I did pretty much everything. Eventually my practice focused on Real Estate, Wills and Trusts, Corporations and Elder Law.
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7. Did you have a mentor/role model/favorite lawyer to emulate? Who was it? Why?	I liked Bud Otterman. I though he epitomized the Vermont country lawyer.
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8. What was/is your favorite part of being a lawyer?	Working with clients, hearing their stories and then trying to help them solve whatever their problem entailed.
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9. What was/is your least favorite part?	Working with lawyers who were rude and condescending.
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10. What is your favorite anecdote from your years of practice?	Trying a personal injury jury case where the Judge advised that I should settle. I thought my client could prevail and obtain a damage award larger than that being offered by the defense. When the jury came in with the verdict the Judge was shocked by the size of it. I guess he learned something that day.
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11. What types of of pro bono work have you typically done over the years?	Elder law work, Guardianships.
12. What advice would you give a new lawyer today?	Find another profession. It is saturated with lawyers.
13. What else would you like to share about your years in the profession?	It went by quickly. Developed a lot of great relationships with other lawyers that remain today. I also served on a number of Boards which helped me develop professionally.
