

THE VERMONT BAR JOURNAL

231

Fall 2022, Volume 48, No. 3





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Dance kimono for a geisha,
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PRESIDENT'S COLUMN

Meet VBA's Board President, Andrew Manitsky

KSV: I'm meeting with the new VBA Board President, Andrew Manitsky. Andrew, can you tell us a bit about your background. Where did you grow up and where did you go to school?

AM: I grew up in New York City. I went to Oberlin College, and The University of Michigan Law School.

KSV: What led you to consider law school?

AM: Since I was pretty young, I imagined going to law school. In college, I was in the philosophy honors program, and focused my work on ethics and moral theory, which allowed me to address challenging issues of the day, issues of immediate and practical concern. My senior honors thesis was on abortion. It was titled, "Abortion." Clever, right? Anyway, I would say that my work in the more practical areas of philosophy is what made law school really appealing to me. That's not to put down metaphysics or epistemology, of course.

KSV: Have you always practiced in Vermont?

AM: No, I practiced in Manhattan right out of law school in 1992 and moved to Vermont in 2000.

KSV: What law jobs have you had during your career so far?

AM: I have always been in private practice. In New York, I worked as an associate at a 90-lawyer "boutique" firm at 30 Rockefeller Plaza, doing complex commercial litigation and some intellectual property. The firm represented lots of tech and venture capital firms, so much of the work involved big corporate deals gone bad. In 2000, I moved to Vermont and joined the litigation department of Gravel & Shea in Burlington. I became a partner there in 2003. In 2015, I joined Lynn, Lynn, Blackman & Manitsky, P.C., which is almost exclusively a litigation shop. It's a great team.

KSV: What do you find most interesting about your work, currently? What do you find the most challenging?

AM: I like the wide variety of what I get to do. I'd say that I have a pretty broad practice. Every client is different, and every legal question is a little different, so I always get to learn. Like most lawyers, I love solving problems and figuring out the best answer for my clients, as well as filling the counselor role. I like being in court, especially oral arguments. I enjoy depositions. I enjoy negotiating. And I'll admit it: I re-

ally like research and writing. I'd say that the only "challenging" aspect for me is the business side of the law, doing billing. I hate it. I find it a huge distraction and a bit of a burden. But it's necessary, obviously, so I do it.

KSV: What's your favorite pastime when you're not working?

AM: Music. I write and record songs, and I play keyboards with a local band called B-Town. In fact, Scott McAllister, an estate planning attorney, plays guitar with the band, and was featured in a Vermont Law Journal article not so long ago. Also, I recently co-produced a smooth jazz album with Dan Alan Levine, an enormously talented composer here in Vermont who wrote a Tony-nominated musical some years back. That was a lot of fun.

KSV: I know you've been active with the Bar for a long time but are there any other community organizations or other things that you're involved in?

AM: Sure. I'm on Vermont's MCLE Board. I am participating in the Vermont Mentor Assistance Program. Some other things, too. I was recently elected to the American Law Institute, which is a great honor. Talk about a nerdy group. These are mostly professors and judges, but practitioners, too, who get together to agonize and argue over the current draft of the various Restatements. The debate over even a single word can get quite intense and even passionate, but it is always civil and respectful. The Vermont Supreme Court has frequently cited, and sometimes expressly adopted, the Restatement on particular areas of the law, so it's thrilling and a great responsibility to be even a small part of that drafting process with ALI. Plus, I got to meet Justice Ketanji Brown Jackson!



Andrew Manitsky, Esq.

KSV: When did you become interested in serving on the VBA Board?

AM: I had always been fairly active with the VBA, giving CLE presentations pretty much since I arrived in Vermont in 2000, and then becoming Chair of the IP Section. At some point, Mike Kennedy and (now-Judge) Dan Richardson approached me and asked if I would be interested in serving on the VBA Board. Frankly, it seemed like a lot of work, so my initial reaction given my schedule was one of, say, reluctance? But Richardson told me that I would find it very rewarding, and he was right, so I'm very happy I did it.

KSV: What specifically have you found rewarding about serving on the Board so far?

AM: There's been so much. Our staff is second to none. I also really enjoy the other Board members, who are all giving their time to serve the Bar and the public. Even when we don't reach immediate agreement on an issue, the discourse is very thoughtful and respectful and it's clear that everyone's heart is in the right place. So when we have to deal with unexpected crises, like COVID 19, it's easy to work together and brainstorm, kicking around the pros and cons of different ideas and approaches. The answers aren't always obvious. I should also note that it was especially rewarding to work with the different branches of government since the pandemic arrived. The judiciary was so responsive, and really wanted to and still wants to hear from the bar as to how things are working and how they might be improved.

KSV: Has there been a least (or less) satisfying part?

AM: I don't think so. I guess the inability for us to get together in person for a long period, due to Covid, was pretty unsatisfying, if that's the right word for it.

KSV: Sometimes VBA Board presidents have a focus or theme for their year in office. Do you have a particular focus in mind for your upcoming year in office?

AM: Yes. As I said at our Annual Meeting in Lake Morey, I want to have our trial court decisions published, searchable, and publicly available. Part of our mission at the VBA is to promote the understanding of and respect for the rule of law. It seems to me that people are less likely to respect the law if they don't even know what it is, or the reasoning behind a court's decision. It's got to be transparent. Trial court decisions must be available to lawyers and to the public. Our trial court judges do a great job carefully reaching and writing their decisions, and I don't think we are advancing the jurisprudence here in Vermont, or across the country, by not making them more available. Sure, Westlaw has some decisions in its database, but it's not consistent and it's not free. And the judiciary does post decisions on its website, but they aren't searchable.

You know, most folks learn about cases

from the news, and I think it's not shocking for me to say that reporters perhaps don't always get it right. And I'm not blaming them. They aren't lawyers, they are on deadline, and the issues can be extremely complicated. But I know that we can do a much better job of explaining the law to the public, and that has to include making court decisions more accessible. It's also very, very important to our membership in their daily practice. Lawyers will call each other and ask if they can email a case to them. Judges keep their own binders of important decisions. That's not ideal. That's a workaround. So I want to fix it.

We will continue our important commitments to access to justice with our partners at the Vermont Bar Foundation; workforce development; diversity, equity and inclusion; and attorney wellness.

But in addition, I want to focus on civility. Professionalism. Overall, and certainly relatively speaking, we are a very civil and collegial bar. I have met with bar leaders from across the country, and I'm happy to report that they truly admire us. But the truth is that we do have our moments. We can do better.

KSV: What advice would you give to a young person thinking about law as a profession?

AM: I would say that it is a fantastic pro-

fession. It is an honor being a member of this profession. But it's not something you do just because you don't know what else to do. It's not something you do just because you can make money at it. And it's not something you do just to please your family. I would suggest to a young person thinking about law as a profession to speak with as many lawyers – and as many different kinds of lawyers – as they can about their experience, to get a sense of what being a lawyer involves.

KSV: What would you tell them particularly about practicing law in Vermont?

AM: Vermont is a wonderful place to practice law. I don't think it gets much better than Vermont. Of course, there is winter.

KSV: Last question: Is there anything I haven't asked you about that you'd like to share with our members as you start your presidential year?

AM: Only that I am here to serve our members. So I encourage anyone who has an issue of concern or maybe an idea about something we should start doing – or keep doing or stop doing – to please reach out to me. My email is amanitsky@lynnlawvt.com. The VBA is here to help you, and to help you serve your clients better.



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PURSUIITS OF HAPPINESS

Wm. Roger Prescott, Attorney and Soccer Coach

KSV: Roger, thanks for agreeing to talk with me about your "pursuit of happiness." As you know, we do these interviews with attorneys who have hobbies or interests outside of the practice of law that help keep them balanced. I have heard about your significant coaching work, obviously, and I want to hear all about that today. If you don't mind, let's start with a little about your background. Where are from?

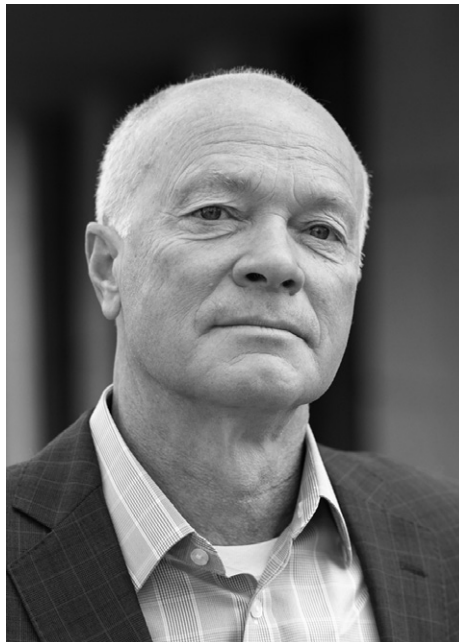
WRP: I'm originally from Vermont. I grew up in Montpelier until I was in middle school. My parents then moved to Essex Center where I went to Essex High School, and then on to the University of Vermont, and Suffolk Law School. After Suffolk, I got a job in New York City with a firm called Breed, Abbott and Morgan. That was kind of cool because I was in the City Corp. building, which at the time was this big white monolith on the east side of Manhattan. I was on the 57th floor. Then I switched over to another law firm called Donovan, Newton, Leisure and Irvine, which was founded by Wild Bill Donovan. He was one of the most decorated American soldiers, and the founder of the OSS, which preceded the CIA. Donovan Leisure was in Rockefeller Center, which was also a nice place to work, especially around Christmas with the giant tree, angels and other holiday decorations in that part of the City. I worked in Manhattan for eight years. While I was working, I went to NYU law school at night. By that time I had three children, and my wife, Sue and I decided that it was time to leave New York City.

KSV: Wow. Three kids in eight years?

WRP: Yes, eight years while working in New York. Yeah. And those were real New York hours back then, too. So we moved to Vermont in 1993, and I started a new practice with Downs Rachlin and Martin and I've been with DRM ever since. It was a big change. Although I'd worked at two firms, and had a pretty broad experience in terms of commercial transactions, the kind of work that I started doing here was quite a bit different. It took a while to master the issues that I never addressed while in New York. But we are a fairly large law firm and have a good commercial practice. So it has been extremely challenging and rewarding.

KSV: Where did you settle in Vermont when you came back up?

WRP: Right where we live now. We



bought a house in Cambridge village. It's a beautiful, hundred-plus-year-old Victorian home, Queen Anne style painted lady. When we first moved in everyone knew it as the "Cambridge Castle" because somebody called it that when it was a bed and breakfast in the 1970s. (Laughing) Thankfully, we don't hear that reference too often anymore. My kids used to say, it's the only pink and green house in town.

KSV: It sounds beautiful. So, did your kids go through school in Cambridge?

WRP: Yes, they went to Cambridge Elementary School, then Lamoille Middle and High School, and after that onto college or university someplace. Everybody's out of school now. My daughter, Jen, the youngest, is a nurse at Brigham and Women's in Boston. My middle son, Tyler, is a pharmacist at Copley Hospital in Morrisville, and my oldest, Robb, is a software writer, and he lives in Maui.

KSV: As in Maui, Hawaii? Maybe a nice place for you to visit sometime?

WRP: Yes. I've got this crazy idea of going to Maui next summer and then going down to New Zealand to watch a few matches at the Women's World Cup.

KSV: That sounds great, and what a segue! Did you get interested in coaching soccer because your kids played?

WRP: Yes, that's pretty much how it start-

ed. I got the soccer bug by working with our children. Some people say we got the bug bad, you know, coaching youth teams like under 10s, that kind of thing. And then following our way up through... I was involved in club soccer. First, with our local Cambridge Soccer Club, which Sue and I ran for several years and then with the Nordic Soccer Club, which is one of the largest clubs in Vermont. I was the president of Nordic and board member for many years.

KSV: Were your kids serious players?

WRP: Yeah, my two youngest were. My son, my middle child, and my daughter both played for Nordic, as 9-year-olds through high school. My daughter also played in college for four years. She had a nice collegiate career as well as a good high school career. My oldest son also played as a youth and in high school but his passion was skiing and ski racing. My first real high school soccer coaching started with Lamoille Union High School. I had the JV boys for one season and then moved on as an assistant to the boys varsity coach...

KSV: What timeframe are we talking about here?

WRP: That would've been probably 25 years ago. Wow! (Laughing) The girls' team at Lamoille High, was very successful at that time. Their coach, Dean LaBrie, was a good friend, won a couple of state championships in 2003 and 2004 and lost in finals in 2004. My daughter, Jen, was a freshman on the 2004 team. Sadly, Dean was killed in a car accident that winter, so two other fathers with coaching experience stepped in and we coached the girls in 2005. I took over the following season and stayed on for another four years. After my daughter graduated, she went off to play soccer in Utah. I wasn't going to see many of her games, so I stayed on with coaching at Lamoille. After one-year, she transferred to Simmons, in Boston. And so that was about the time I stopped coaching at Lamoille.

KSV: Did you yourself ever play?

WRP: I never played in high school or college. It really wasn't a big sport when I was in high school. I played as an adult or tried to, you know, pickup games - there are men's league and pick-up games in Williston and other venues around Burlington.

KSV: So, after your kids graduated you held on for a year, so you could stay in-

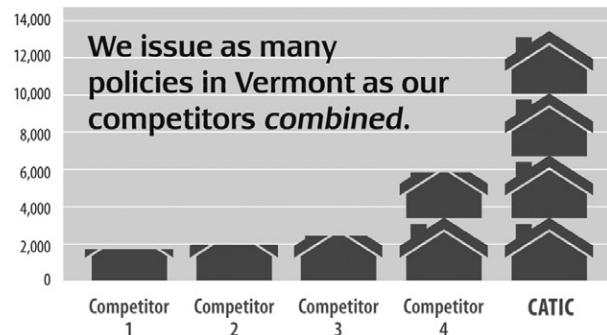
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*Roger and the 2022 Winooski High School Girls Soccer Team*

involved, but once your daughter came back to the East Coast to play at Simmons, you took a break from coaching for a while?

WRP: I took a couple years off and we watched all of her games. Because Simmons played in the Greater Northern Athletic Conference, they played a couple teams up this way, Norwich and Plymouth State in New Hampshire. Most of the teams were in Southern New Hampshire, and the greater Boston area. It wasn't that far. You could jump in your car and drive down and catch a game. So that was a lot of fun. I should say that, along my coaching journey I did, take some coaching courses. There are two associations the US Soccer Association and the National Soccer Coaches Association, that provide classes which allow you to obtain certain licenses.

KSV: I had no idea there was a licensing process.

WRP: Some schools require that you have at least some level of licensure. You learn a lot, obviously in doing the course because you're spending several weekends with other men and women who are interested in coaching or are successful high school and college coaches already.

KSV: When did you do that?

WRP: I think I probably took my last course 15 years ago. Some might say I should go back. (Laughing).

KSV: When did you get back into coaching, after this little hiatus when you were traveling around watching your daughter's games?

WRP: 2013, I always had this interest in coaching at Winooski High School on the girls' side. I thought of it as a challenge whether I could lift up the program. One of the Winooski coaches, Chantal McKeage,

was a paralegal in my office while I was coaching at Lamoille, and she and I would talk about our teams, what was working and what wasn't. Chantal had been a really successful player in Vermont. She was one of the few women that had scored over a hundred goals during her high school career. She was really struggling with low numbers and limited experience with the girls at Winooski.

When she and her co-coach left, I applied. That was 10 years ago. The program was really small. We barely had enough players to make a team. I think we had 14 players my first season. I was going out to basketball games and softball games, watching kids play, looking for athletes, talking to 'em, "Hey, you interested in playing soccer?" And I tried to get some buzz about the team. I bought some soccer swag, for the kids that did join so they could wear some Winooski soccer gear and figured that would help get some more buzz.

KSV: How'd that work out?

WRP: Actually, it worked pretty well. The first year we had, like I said, barely enough to play most games. And then I think the next year we had 25, and then the year after that we had over 30. The numbers have fallen off again but we started this season with 25 players.

I should say here that I'm very thankful for Downs Rachlin's support, for letting me do this for over 20 years. It was particularly difficult when I was at Lamoille because it was a long drive from Burlington to Lamoille High School. To get there for three o'clock practice, I had to leave the office at one. If we had a game on the road, I might have to leave earlier, and that could be right in the middle of some really big transactions.

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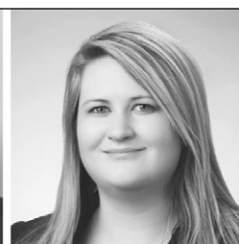
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KSV: I did want to talk to you about how you've managed to balance your coaching and your work. It must be a tremendous amount of time that you need to be at practices and games.

WRP: The regular season is about 10 weeks long. We practice every weekday. Typically, it's a two-hour practice session. We play 14 games. Because Winooski is a small school, I ride the yellow bus for games all over the place, Craftsbury, Danville, Hardwick, Richford and Enosburg to name a few. To make the balance work, it means starting your day a little bit earlier than you normally would, like 6:30 or 7 AM. Then coming back after practice, doing some work in the evening. Now that I work mostly from home, it's a little bit easier. At weekends you might spend a little more time at work. I'm not one who likes to work on weekends, but during soccer season I have worked a lot of Saturdays and Sundays.

KSV: That's quite a commitment. Have you ever thought of giving up coaching?

WRP: That's the running joke. Every year it's like, "this is my last season." Sue would like to travel in September. It's a nice time to travel when families are home because their children are in school. It is hard to give up something you enjoy.

KSV: (Laughing). Can you tell me a little bit about your team at Winooski? It's an unusual team for Vermont, isn't it? I think you said it's Winooski is the most diverse high school in the state?

WRP: Well, either Winooski or Burlington. I think they're probably on par. But in terms of the student population, I would say Winooski has a higher percentage of kids of color and different ethnicities than Burlington does. So it's not typical for Vermont. For instance, I was just looking at my emergency medical forms from the players. In addition to listing the usual stuff, I also have a name and a telephone number for a translator I can call. There are seven different languages that I need to be aware of should somebody get injured.

KSV: Where are the players from?

WRP: Most of the kids are from Southeast Asia or central Africa. Places that have experienced war and famine, something terrible that caused their families to become refugees and flee their homes.

KSV: So that mix of backgrounds must make coaching more challenging and maybe more rewarding?

WRP: I would say both. You develop a real affinity for the players and their situations. For instance, most of these kids don't have cleats, so you have to beg, borrow or, or buy cleats for half your team (laughing).

Thankfully, some of the other schools that we play, Fairfax is a good example, have been very supportive of our program, even though they're our opponent, they have collected cleats on several occasions for our girls and boys teams. Of course, many of these the girls, especially those from Nepal are very small, less than five feet tall. So it is often hard to find a decent cleat in the 3-4 range. Food, is another issue. Making sure the players have something to eat before and after games. They become part of my extended family.

KSV: I'm sure, growing up in Vermont you would not have had a lot of exposure to such a diverse population.

WRP: No. Even now, when we get off the bus in some rural places our opponents and their fans stop and stare as it is uncommon to see so many players of color. Although I don't have any Muslim players this season, in the past we have had many girls who wear a hijab and cover their arms and legs. Unfortunately, we have had some problems. Some come from ignorance of these communities and their culture others are come from racial and other biases. As the coach, I need to be mindful of that possibility and make sure the girls are treated appropriately.

KSV: How's the team doing?

WRP: This year? (Laughing) We're not doing very well so far. We're zero and seven. We are young, 9 freshman, 1 junior and 1 senior. We even have 3 8th graders on the team. That said, the team's starting to do better. In the last three games we've either lost by one or two goals. We have a really tough game tonight. We're playing Missisquoi, a regional high school, which is division two team. We are division four. That'll be a real contest for us. It'll be fun, though. One of the nice things about we have a lighted field so we can play games at night and that allows a lot more parents and teachers to come.

KSV: You have a lighted field?

WRP: Yes, although Winooski no longer has a football team, when it did the community installed lights on the main athletic field. It is an exciting environment. Everybody gets up for a game under the lights. They have a tall tower where the football announcers used to be and has a good PA system so you can play music and the national anthem. It's really quite an event.

KSV: And when does the season wrap up?

WRP: Usually like the third week of October.

KSV: Oh, so soon. And when does it start?

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WRP: It starts in August 15th. Usually, you have your first games in the first week of September, and it's a 14 game schedule. So you play usually two games a week, sometimes three games a week. This week we will have played Monday, Wednesday, and Saturday. That's a lot, a lot of games for one week.

KSV: That is.

WRP: Yeah. The other person I wanted to mention is Kane Smart. He's also a lawyer. He works for the Vermont Agency of Natural Resources, and he's been my assistant coach for eight of the 10 years at Winooski. So he's been beside me all along. He's a litigator, on the enforcement side of environmental issues. His love of the game comes from playing. He was an All-American player in college. He didn't really have any coaching experience until he started at Winooski but has the same passion for the game and the players.

KSV: That's great. So, he's at all the practices and all that stuff too?

WRP: Yeah. It's an equal amount of work. He was an associate at DRM when he first started with me, and then he moved on to this position with the state of Vermont after a couple years. But he's stayed on with coaching for the same reasons I have. I mean we're both a little bit down in the dumps now (laughing) and thinking, you know, this might really be the last year... You'd hate to put all that work and effort into building up a team and then not being part of their success. But that's one of the more difficult things about Winooski, there is a lot of turnover. My hope is that most of these kids will come back, and we'll be a good or better team next year. But like any segment of the population that's economically depressed, you save your money and when you have enough, you try to move on to a better situation for yourself. And so that happens a lot. It's a sad thing as a coach when you have put two or three years of work into a player and then they move. You're happy for the players and their families, but you're unhappy about the prospect of starting over again.

KSV: Obviously, a unique situation, but as you say, there's always next year, so ...

WRP: It's hard to say no. But at some point you have to say no. And I said this was it this year, but as you can see, I'm already bending on that.

KSV: Tell me a little more about the rewards you've experienced working as a coach.

WRP: It can be a lot of fun. We try to make it fun. And I think when we're not in those tense moments, it is pretty lighthearted. The other day when we came back after a

terrible outing. I would say one of our worst outings for the year, and I was depressed, riding on the school bus, and there was this group of six girls, I think they're all from the Congo, and they start laughing and singing these songs in French, Congolese, at the top of their lungs, you know, over and over again. Hard to get depressed when listening to such spontaneous joy.

KSV: That's fantastic.

WRP: Another thing that's kind of interesting is five of my players from the immigrant community have graduated and gone on to Middlebury College. Many have gone on to other good schools. But I thought that was pretty impressive for this group of girls.

KSV: And I'm sure that must be gratifying too, to see the players doing well subsequent to their high school careers.

WRP: Yes. One is in med school and others have gone on to do interesting things. The same is true with the players I coached at Lamoille, except they are all in their thirties now - many have sons and daughters of their own. It is nice to see.

KSV: If you were to stop coaching at Winooski in the next year or two, do you think you would do it someplace else? Or would that be a wrap?

WRP: I think I would probably do it somewhere else. I don't think I would go stay at the high school level. I think that's just too big a commitment. And one of the things that makes it fun is participating in the training and scrimmages as a coach. We don't just stand on the on the side and direct during our practices. You know, Kane and I like to play. We both get involved in a lot of that. And, I'm 64 years old, so... (laughing).

KSV: Good for you.

WRP: So I'd continue to do that, or if I was going to step back, I'd probably step back to a youth team like a community youth team, like 12-year-olds or, or younger, something like that.

KSV: You have a lot of energy! You've been a great candidate for this feature. Thank you so much for talking with me.

WRP: Okay, Kim, that's great. I really appreciate you taking time to talk with me. Enjoy your day.

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



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WHAT'S NEW

VBA Annual Report 2021-2022

The VBA Annual Report covers VBA activities during the period September 1, 2021 – August 31, 2022 time-frame.

There have been some changes at the VBA Office! We welcomed Kim Velk as our new Director of Education and Communication and welcomed Tom Barrett as our new Lawyer Referral and Membership Coordinator. VBA Executive Director Teri Corsones was appointed as Vermont State Court Administrator in early July. Former Executive Director Bob Paolini returned to the VBA as Interim Director.

The VBA COVID-19 Committee continued its monthly meetings to ensure the interests of lawyers were well-represented during the Judiciary's many amendments to AO 49 and courthouse safety protocols. The committee served as a liaison and provided input and feedback to the Judiciary and Executive Branch. The VBA Board of Managers voted to disband the COVID-19 committee at its September 2022 board meeting as the COVID-19 Pandemic has wound down considerably and the Vermont Judiciary has ended its declaration of judicial emergency pursuant to Administrative Directive TC-1 (as amended 9/27/2022).

The monthly Section/Division Chairs and County Bar Presidents Conference Calls have continued; those participating provided invaluable input for ACCD guidelines and the Judiciary's emergency orders, and emergency legislation. The monthly meetings provide an opportunity to share information between the VBA and County Bars.

We continue to offer a wide range of CLEs through Zoom, many of which are recorded for viewing in our digital library. We were also finally able to get back to in-person meetings for our Mid-Year Meeting in March and our Annual Meeting in Sep-

tember 2021. The Trial Academy was back in person in July at Vermont Law School and the Young Lawyer's Division managed to host the Mid-Winter Thaw when things were well and properly thawed in Montreal – in April. The VBA also continued to provide necessary programming for first-year requirements for newly admitted attorneys. Thank you to our member attorneys and those judges who have been willing to share their expertise for these programs.

The Workforce Development Committee continues its efforts to recruit and retain lawyers and has led the way to create a Mentor and Advice Program, which pairs seasoned attorneys with newly admitted members in a six-month mentorship program. Many of the requests for mentors come from lawyers that are not yet in Vermont. The committee is also working on a request to the VBA Board of Bar Managers for funding to restart a loan repayment assistance program (LRAP) that was once funded by the Vermont Bar Foundation. At the VBA's recent 2022 Annual Meeting, held September 30, the membership authorized use of some excess funds held in the Client Security Fund for programs that advance the mission of the association.

VBA Access to Justice initiatives have proven invaluable to disadvantaged Vermonters especially during the time of the pandemic. Our projects use grant funds to pay private attorneys to represent low-income Vermonters and crime victims in certain cases. Legal Access Coordinator Mary Ashcroft has placed more than 400 cases with the more than 150 attorneys who participate on our low bono referral panel. Our thanks go to all of them, and we ask more of our colleagues to join the effort. Please contact Mary Ashcroft at mashcroft@vtbar.org for more information.

The pro bono committee is chaired by Bar Counsel Mike Kennedy. The committee was active this year planning for an in-person Pro Bono Conference for October 2022, the first since the pandemic, and in succession planning for Mary's retirement, which she announced this year.

The Court Users' Group continued to meet. The group includes attorneys from a variety of geographic and practice areas, trial court operations staff, the court administrator's office, and at least one trial court judge. Members carry concerns from the bar and other court users to the judiciary in an effort to help the judiciary understand issues that users experience with filing. Going forward, the Court Users Group will act as a consultative body to the Change Advisory Board. The Court Users Group will continue to act as a conduit for court users and other external stakeholders to provide input to the judiciary about Odyssey issues.


The VBA Lawyer Referral Service continues to assist clients in need of Vermont counsel. The VBA fields over 500 calls per month and the program has earned more than \$1 million in LRS revenue for our 125 LRS panel members.

The VBA continued its focus in the arena of public education by co-hosting the annual Constitution Day with the Vermont Law and Graduate School as well as organizing the Young Lawyers Division and Diversity Section's annual Martin Luther King Poster Essay Contest for middle-school students.

The VBA continues to partner with the Vermont Law and Graduate School in the VBA/VLS Incubator Project. This project assists new lawyers starting solo practices in underserved legal and geographic areas of Vermont. The VBA/VLS teams provides day-to-day mentoring and weekly check-ins, review of business plans, smart start-up grants, referral of low bono and pro bono cases.

The VBA Sections and Divisions chairs and members have been working hard to facilitate legislative initiatives, CLE programming, contributions to the Vermont Bar Journal, and much more. We thank all of you for what you do. Please take a moment to read about their accomplishments and remember to utilize our online community platform, VBA Connect, to join sections and divisions of your choosing to stay informed and network with your peers.





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WHAT'S NEW

2022 Section Reports

APPELLATE LAW SECTION

Chairs: Bridget Asay and Ben Battles

Change continued to define appellate practice in Vermont during the past year, as practitioners adjusted to electronic filing at the Vermont Supreme Court, significant revisions to the Rules of Appellate Practice, the addition of the Honorable Beth Robinson to the U.S. Court of Appeals for the Second Circuit, and her replacement on the Vermont Supreme Court with the Honorable Nancy Waples. The Appellate Section has worked hard to keep members informed of and educated about these changes. Last October, Section co-chairs Bridget Asay and Ben Battles presented an "Appellate Practice Update" CLE with Vermont Supreme Court Deputy Clerk Emily Wetherell. Ben also published "A Short Guide to Appellate Practice" in the Spring 2022 issue of the Vermont Bar Journal, providing a thorough overview of current practice at the Vermont Supreme Court. With additional rule changes going into effect, and in-person arguments at the Court resuming, the Appellate Section is looking forward to another eventful year.

COLLABORATIVE LAW SECTION

Chair: Nanci Smith

The Collaborative Law Section continues to support its family law members with ongoing trainings, best practices, and collegial support about this exciting and developing interdisciplinary, out-of-court family practice area. This year we will be participating in the national 2nd Annual Divorce with Respect Week, October 10-15, where Collaborative professionals from each discipline (legal, financial and emotion) offer free 30-minute consultations about Collaborative Divorce and other peaceful, non-adversarial divorce processes. This year, the IACP (International Academy of Collaborative Professionals) is hosting its 23rd Annual Networking and Education Forum in Orlando. If you miss this event and are interested in how to include Collaborative divorce as part of your practice, please reach out. The 2-day introductory training is the first step, and they are offered throughout the year. Our interdisciplinary practice group CPVT continues to meet monthly on the 1st Thursday of each month at 12:00 PM via zoom. If you are interested in learning more about our interdisciplinary divorce practice, please feel free to contact me at nanci@nancismithlaw.com or Corey Wood cwood@bpflegal.com

to receive a link to our practice group meeting to join us and meet the rest of the team.

DISPUTE RESOLUTION SECTION

Chairs: Neil Groberg, Richard Hecht, and Erik Wheeler

Co-Chairs Rick Hecht, Neil Groberg and Erik Wheeler maintained their efforts to extend the mission of the Section: advancing non-litigious conflict resolution. The Section continued its well-regarded and well-attended Zoomed "Chewing On Conflict" CLEs with speakers including Carl Schneider, Ph.D. (speaking about apologies in mediation); Tracy Dolan, currently the Director of the State Refugee Office; and Zoe Jeka, the Conflict Assistance Project (CAP) Coordinator of Burlington Community Justice Center. We anticipate continuing these discussions and welcomes ideas.

The Section strives to "walk the talk" and lend its members' expertise to the broader community. To that end, it is working collaboratively, pro bono, with Ms. Jeka on some of her cases involving conflict among neighbors in Burlington and surrounding towns.

It is even helping to manage difficult conversations within VBA. For example, Co-Chair Neil Groberg was selected to serve as Chair for a special ad-hoc committee of the Employment Law Section (of which he is also a member) to consider proposed legislation on non-compete/non-disclosure agreements. It is fair to say that members of the Employment Law Section had strong feelings about the bill. Neil informally mediated some contentious disagreements among colleagues as the committee delivered a report which went to the Section members and the State House committee considering the bill.

ELDER LAW SECTION

Chair: Glenn Jarrett

The Elder Law Section continued its monitoring of legislative activities this year. Section member Julie Hoyt is participating in an ad hoc committee regarding introduction of Uniform Power of Attorney bill in the 2023 Legislature. Section member Julie Hoyt presented a VBA-sponsored seminar in June, 2022 on "Medicaid, Top Ten Do's and Don'ts".

ENVIRONMENTAL LAW SECTION

Chair: Gerald Tarrant

This has been another active year for our

section with Act 250 legislation requiring much of our attention. While the Act 250 Bill ultimately was not successful, many of the underlying issues associated with Climate Change and changing demographics will continue to impact regulatory and judicial action. As a result, I believe the practice of environmental law will continue to evolve at virtually all levels as these changes affect almost all areas of our practice from ANR permitting, Act 250, local and regional development and planning, and perhaps most noticeably through PUC/Department of Public Service planning and permitting for various energy projects.

As part of this awareness, environmental justice was an emerging issue in 2021-2022. It continues to be a major issue at both the local and federal levels. Last year we mentioned that the Director of the Environmental Justice Clinic at Vermont Law School would examine the issues of environmental justice in the United States and Vermont. There is no reason to believe that focus will be reduced in 2023 for Vermont practitioners. Recent articles have noted that President Biden's administration is using its authority more broadly and aggressively to protect communities that arguably have suffered from environmental justice issues, with federal agencies creating new gray areas that are raising concerns for both local regulators and the development community. However, this issue is characterized, I expect it will impact the Vermont Legislature in 2023 and our members' practice before Vermont State agencies, local communities and the courts.

FAMILY LAW SECTION

Chair: Patricia (Penny) Bennelli

The Family Law Section has been quiet this year. Largely because of the effects of the pandemic, members have been busier than ever in practices that include more abuse and more exigent circumstances than ever. But the section has been active on many committees for the VBA and the Supreme Court, weighing in on and suggesting changes to the way we practice, to court procedure, and to the Vermont Rules of Family Procedure, also largely due to the pandemic. Now that the pandemic appears to be easing, we have a busy schedule planned for this fall, including proposing legislation to extend the statute of limitations in family cases, considering ways to protect the privacy of parties in the family court in the age of social media, and in

catching up on CLE for the Section.

INSURANCE LAW SECTION

Chair: Doreen Connor

The Insurance Section will be hosting an Insurance CLE at the 2023 Mid-Winter Thaw in Montreal.

INTELLECTUAL PROPERTY LAW SECTION

Chair: Andrew Manitsky

At the VBA mid-year meeting in March, the Intellectual Property Section presented a CLE on "IP Basics," covering the four "flavors" of IP: copyright, patent, trademark, and trade secrets. The speakers were Mark Chadurjian, William T. Clark, Shawn Gordon, and Andrew Manitsky. They discussed the scope of IP protection, fair use, and infringement issues, providing clear, usable answers to common questions about IP. The session was lively and well attended.

Also, in June, Section Chair Andrew Manitsky gave a presentation on copyright law to approximately 80 high school students at the Governor's Institutes of Vermont (GIV) Tech and Design Institute hosted at Champlain College.

JUVENILE JUSTICE LAW SECTION

Chair: Sarah Star

This year the Juvenile Law Section has offered a CLE on representing grandparents and other kin in juvenile and probate proceedings where the Department for Children and Families is involved. We also offered a CLE at the Annual Meeting in September on safeguarding Reproductive Justice in juvenile and family proceedings.

LABOR AND EMPLOYMENT LAW SECTION

Chair: Steve Ellis

It has been a very busy year for Vermont labor and employment lawyers. A number of our members provided testimony in connection with several pieces of proposed legislation. H. 320, the so-called "don't darken my door" bill, would have prohibited restrictions on future employment in agreements to settle FEPA claims. The Uniform Restrictive Employment Agreements Act (H. 667) would have regulated the whole spectrum of restrictions that commonly appear in employment, separation and settlement agreements. H. 329 would have changed standards and burdens of proof on claims for harassment under FEPA and codified a uniform 6-year limitations period for FEPA claims regardless of the type of recovery being sought. Out of all this, the only provision that actually made it into law was the 6-year limitation period. However, the oth-

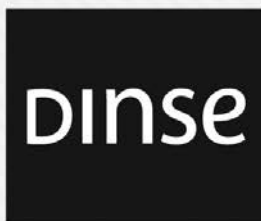
er bills are likely to be reintroduced in some form in future sessions.

A special expression of gratitude and respect is owed to the LEL Section members who served on a subcommittee to study and report on H. 667. The subcommittee was appointed in response to a request that the LEL Section and/or the VBA

formally endorse the bill and urge its passage. Although the subcommittee, consisting of Neil Groberg (subcommittee chair), Eric Jones, Kris Brines, Roger Kohn, and Emily Kenyon, was unable to identify broad consensus around any aspect of the bill, the subcommittee did excellent work within a tight timeframe and produced a very use-

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ful report summarizing the bill and the arguments pro and con.

In the middle of all of this, at the VBA mid-year meeting in March, two of our members, Caroline Earle and Dan Long, presented a well-attended and well-received webinar on the topic of Damages in Employment Law Litigation.

PARALEGAL SECTION

Chair: Carie Tarte, RP®, AIC

The focus for the Paralegal Section continues to be exploring paralegal licensure in Vermont and returning paralegal training and educational programs to Vermont.

Like many other industries, Vermont law firms continue to struggle to fill Paralegal positions with qualified people. This is due in large part to the lack of paralegal education programming in Vermont and the questionable integrity of many short-term online programs. Of late, I, along with VPO President, Laurie Noyes, Tina Wiles, and Jim Knapp have continued to develop a paralegal education and training program to offer "in-house" to law firms who wish to provide employees with additional training in real estate law/title work and law firm administration. While the topics initially will focus on law firm practice administration and real estate, it is our hope to expand the training and education sessions to include litigation practice/management, legal research and writing, and family law. Firms interested in participating in this programming should contact Attorney Jim Knapp (jkvltlaw@outlook.com).

Last, but certainly not least, the Vermont Paralegal Organization is once again participated in the annual Vermont Legal Community Fighting Hunger Food Drive and was one of the top fundraisers again in 2022.

**PRACTICE AND PROCEDURE
SECTION**

Chair: Greg Weimer

In my capacity as liaison between the Civil Rules Committee and the Practice & Procedure Committee I prepared a survey for the bar membership addressing V.R.C.P. 80.11 Procedure in Expedited Actions. The purpose of the survey was to provide some guidance to the Rules Committee in making a recommendation to the VSC on whether or not to allow the rule to sunset. I also served on the Covid -19 Committee to assist the bar address issues impacting the practice of law during the pandemic. Lastly, I am drafting an article for the fall edition of the bar journal on the topic of procedural pitfalls. [Editor's note: the article is in this issue, q.v.]

In the coming year I hope to organize a meeting of the committee at the mid-year

meeting to discuss possible seminar topics that may be of interest to the bar.

PROPERTY LAW SECTION

Chairs: Benjamin Deppman and Jim Knapp

This past year was a busy time for the Property Law Section. Several bills were introduced in the legislature touching directly on real estate practices. The most important of the bills that became law this year was "An Act Relating to Modernizing Land Records and Notarial Acts", Act No. 171 (H.512). Act 171 adopts the uniform law related to recording digital / electronic documents (Uniform Real Property Electronic Recording Act "URPERA") and simultaneously adopted the provisions of the Revised Uniform Law on Notarial Acts ("RULONA") to allow for full remote online notarial acts. While Act 171 has taken effect, the provisions allowing remote online notarial acts cannot be implemented until the Secretary of State's Office of Professional Regulation adopts rules for implementing RULONA, and the Vermont State Archives and Records Administration adopts guidance for municipal clerks related to URPERA. The other bill that became law addressed the invalidity of covenants restricting ownership of real property based on racial or religious restrictions (Act 143 - H.551). A bill proposing to completely restructure Powers of Attorney was introduced but did not pass this session. A committee was formed to address some issues that became apparent in the bill and the revised bill will be introduced at the beginning of the next session and is expected to pass.

Members of the Committee participated in the Basic Skills program for newly admitted attorneys, and provided programs on Basic Title Examination, Ten Cases Every Real Estate Attorney Should Know, Things I Wish I Knew More About, the 21st Century Closing - RULONA and URPERA (with the Vermont Secretary of State), and a program at the Mid-Winter / Spring Thaw. The committee is planning a week of programs in February, in lieu of an in-person Real Estate Law Day, with topics to be announced soon.

The Title Standards sub-committee of the Real Estate Section will be releasing new and revised title standards in September.

WOMEN'S DIVISION

Chair: Samantha Lednický

Due to the challenges associated with COVID-19 the Women's Division did not hold any events. We look forward to new leadership and events in the coming year.

WORKERS COMPENSATION SECTION

Chairs: Erin Gilmore, Brendan P. Donahue

During the past year, hearings at the Department of Labor were able to continue, via Microsoft Teams and via telephone, even though the staff at the Department of Labor continue to work on a hybrid remote and in-office schedule. The Workers' Compensation Adjusters' Conference, which takes place annually in May and October of each year, returned to "in person" status this past year and was attended by adjusters, attorneys, representatives of the Department of Labor, and representatives of the Department of Financial Regulation. We welcomed Dirk Anderson, Esq., as the new Director of the Workers' Compensation & Safety Division of the Vermont Department of Labor.

YOUNG LAWYER'S DIVISION

Chair: Kevin Lumpkin

1. **Mid-Winter Thaw.** After one year of moving online, the YLD successfully hosted Mid-Winter Thaw in Montreal, although not when it was originally scheduled. The rise of Omicron was perfectly timed to interrupt a January Thaw, but we were able to move the event to April with minimal disruption to the schedule and line-up of speakers. Although a bit smaller than normal, the 2022 Thaw was excellent and went off without a hitch.
2. **Social Events.** The YLD has started back up on in-person social events, organizing an in-person mixer and comedy show in Burlington, Dinner With a Judge with Judge Hoar, a recent mixer in Brattleboro, and a YLD barbecue at Oakledge Park at the end of August. These social events give all VBA members, including YLD members, valuable opportunities to socialize and form connections both professionally and personally.
3. **State's Attorney Debate.** The YLD partnered with Town Meeting TV and the CCBA to assist with a debate between Sarah Fair George and Ted Kenney in the Chittenden County State's Attorney Democratic Primary, gathering questions from local attorneys for the Town Meeting TV-moderated debate.
4. **CCBA Partnership.** The YLD has strengthened its relationship with the CCBA, co-sponsoring a number of events this past year and working now on planning CLEs for the coming year.

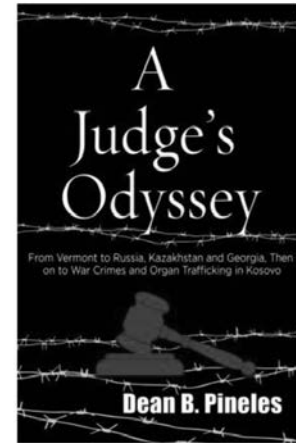


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The Young Lawyer's Division Mid-Winter Thaw is coming back to Montreal in Mid-Winter. More details will be coming soon but mark **January 13 and 14, 2023** on your calendar now.

Earn CLE credits, re-connect with colleagues, eat well, and explore Montreal from your base at the Omni Hotel on Sherbrooke Street.

WHAT'S NEW

VBA Establishes Cannabis Law Section

The Board of Managers of the Vermont Bar Association approved the creation of a section on Cannabis Law at its meeting on Sept. 29. Timothy Fair, Esq. and Andrew Subin, Esq. of Vermont Cannabis Solutions, a law firm in Williston, will serve as the first co-chairs.

Fair recently offered two webinars on Cannabis law in Vermont and these are currently available in the On-Demand Digi-

tal library. Fair and Subin have been working in the area of cannabis legalization for years. They are excited to have a section devoted to improving law practice in this highly regulated and rapidly developing area. Fair said, "Andrew and I want to thank the Board of Managers for approving a Section for this exciting new area of law. We are thrilled to be the first chairs and are looking forward to providing the

Vermont legal community the opportunity to learn about the many issues we deal with on a day-to-day basis through a series of webinars and in-person CLE presentations. We are also very excited about the possibility of working collaboratively with other Sections of the Vermont Bar to develop and present engaging programming which will appeal to attorneys in a wide range of practice areas."



by Melinda Siel

WHAT'S NEW

Robyn Sweet Takes Paralegal Pro Bono Award

Congratulations to the Vermont Paralegal Organization's (VPO) Robyn Sweet for winning this year's Individual Pro Bono Award during the National Federation of Paralegal Association's (NFPA) convention in Cleveland on September 16th. The VPO Board nominated Robyn for this award in recognition of the many hats she wears at home and in the community.

She is a biological parent, a stepparent, an adoptive parent, and a foster parent. At the time of her nomination, she was a paralegal at Cleary Shahi & Aicher, PC, in Rutland and she served as Secretary on the Board of the Vermont Foster/Adoptive Family Association (VFAFA). She recently transitioned to a Risk Management Specialist position to Rutland Regional Hospital and resigned her board position.

To paraphrase a recent story in the Rutland Herald, as a foster parent, Robyn signs up for a little bit of heart break to help another family be successful. Robyn opens her home to children, at times on short notice and with no real idea of how long they will be with her. She advocates for the child's needs wherever it is necessary: at school, in medical settings, with Vermont's Department of Children and Families (DCF), and everywhere else. She becomes their caregiver while their parents work through services to help them become safer parents. She and her husband, Bill, have been foster parents since 2014. They have had over 40 children in their home, sometimes for a day and sometimes for a year or more.

Robyn has been involved with VFAFA for

about 7 years. She helps enact their mission "...to empower, support, and unify foster and adoptive families by strengthening the systems that care for Vermont's children." She has served as Vice President in the past. Robyn's primary role as Secretary is to communicate with foster and kinship families to make sure they have the information they need to best care for the children in their homes. Additionally, she is helping them revise their bylaws. VFAFA president Debbie Boyce greatly appreciates her paralegal expertise as they make these revisions. The organization has been in existence for 40 years and the bylaws have not historically had the attention they have needed. Robyn also helps the Board award funds for children in care to participate in special activities or for scholarships for higher education.

In addition to these tasks, Robyn is working with Vermont's Foster/Kin Care Manager to develop a welcome letter for all who accept children in their homes through DCF. Robyn has a unique perspective to offer to those who are welcoming children in their homes.

Melinda Siel is a paralegal with Dunkiel Saunders Elliott Raubvogel & Hand PLLC in Burlington and the Membership Chair and Vice President of the Vermont Paralegal Organization.



WHAT'S NEW

VBA to Offer Notary Continuing Education Course - Webinar of Oct. 31 Will be Recorded and Available on VBA Website

Vermont notary commissions will expire at the end of January 2023. The Office of Professional Regulation of the Secretary of State's Office has mandated that for non-attorney notaries who are not otherwise exempt, a minimum of one hour of relevant continuing education must be completed and documented prior to re-commissioning.

The Vermont Bar Association has developed a 1.5-hour training that will be offered live via Zoom webinar on Oct. 31. The program is designed to meet this continuing education requirement. It will be recorded and made available shortly after Oct. 31 in the digital library at on the VBA website. The OPR has confirmed that the program will meet the CE requirement, whether it was taken live or is viewed later online.

Attorneys and certain others employed

in law enforcement or in the judiciary are exempted from the requirement to obtain a notary commission (for a list of exemptions see the OPR website). Notaries who received their commission after February 1, 2021 are not required to take the training for this renewal cycle. (See the OPR website for more information). Attorneys not employed in law enforcement, or the judiciary are required to keep their notary commissions current, but are not required to meet the CE requirement. Therefore, this training is optional for attorneys. If you are an attorney and decide to take the training, however, it will count for 1.5 CLE credits. It is also approved and certified to qualify for Rule 12(a)(1) & Rule 15(c) of the Vermont Rules of Admission for new Vermont lawyers.

The training will be conducted by Jim

Knapp, Esq., co-chair of the VBA's Property Law Section. Jim is a popular and experienced presenter. The course is offered for \$25 to all takers, with no requirement for VBA membership.

OPR is requiring notaries to maintain records of their CE certificates of completion. If you are already a VBA member, upon completion of the program, a certificate will be available in your VBA website account portal. If you are not a VBA member, you will need to create a non-member account prior to registering. As part of the registration process, PLEASE check the box to create an account/login so you can access the certificate at the end of the program. See the VBA website for more information.



CROSSWORD PUZZLE

by Kevin Lumpkin, Esq.

Kevin is a litigation partner at Sheehy Furlong & Behm in Burlington, and in his spare time he enjoys puzzles and trivia of all kinds, especially crossword puzzles.

Note: For those readers who regularly solve the New York Times crossword, this puzzle is about a Wednesday-level difficulty.

See page 30 for the Summer Journal's Crossword Solution.

Across

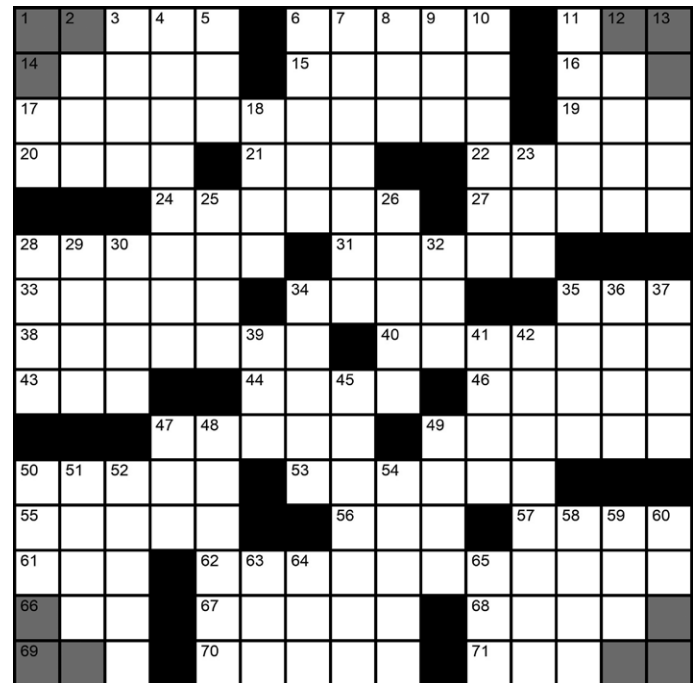
1. Motif
6. Tchaikovsky ballet roles
11. Delt neighbor
14. Little ones
15. Basic belief
16. Pie in the sky?
17. Invite opposing evidence
19. Dead letters?
20. Pea holders
21. NPR host Shapiro
22. American symbol
24. Prepares, as coffee beans
27. It might be measured in MPH
28. TNT sound
31. I will if _____
33. Poker phrase
34. English prep school
35. A.C. measure
38. With 40-Across, limitation on a motion to dismiss or a clue to this puzzle's theme
40. See 38-Across
43. Who _____
44. Roll partner?
46. Refugees
47. _____ Attitude
49. U.S. President with a Nobel Peace Prize
50. Actor Edward James _____

53. With all judges present

55. Sass, with "off"
56. Mink, say
57. Short run distance
61. Delta hub (abbr.)
62. The so-called "people's branch"
66. Secretive org.
67. Affair
68. Guardian ad _____
69. Powerful 2022 hurricane
70. Smooths
71. Massage target

Down

1. Sporty car roof
2. Law school scenario (abbr.)
3. Barely managed, with "out"
4. What Tiger plays
5. Approx.
6. Admiral's rear?
7. What Kamala said to Joe
8. Yucutan year
9. Role for Keanu
10. Italicize, say
11. Rid
12. Submit through Odyssey, say
13. Dealt
18. "The Wire" band
23. Appropriate



25. Caramel candy brand
26. Apron
28. DIY bundles
29. Long
30. Singer-songwriter Joan
32. Classic card game
34. Withdraw from a bank?
35. Beat
36. Branch headquarters?
37. Cold war initials
39. Vase
41. Horse color
42. Opiate, for example
45. Pen in
47. Foldaway bed

48. Pop singer (and Jessica's sister) Simpson
49. Astronomer Sagan
50. Muscat resident, say
51. Tons, colloquially
52. Disney film of 1998 or 2020
54. Sculptures, say
58. Courtroom skills org.
59. Daredevil Knievel
60. Abrams opponent
63. First Lady portrayed by Madonna
64. Some appliances
65. Capone and Gore

BE WELL

The Benefits of Mindful Practices are Profound, But Only if You Actually Do Them...

In 2009 I left the practice of complex commercial litigation. I was overwhelmed, stressed, and utilizing coping mechanisms that were not sustainable: endurance events, followed by binge drinking, followed by bad decisions, and repeat. At that time my perspective was that it was the practice of law that was not sustainable, and I needed to find something less stressful. It is similar to the perspective that a current location or job is too stressful and moving will make everything better. The only problem with this way of thinking is that we always take our minds with us. To a new job. A new location. An entirely new profession. But, those aspects are just the backdrop for our ongoing perspectives. The shift that really needs to happen is our actual mindset or perspective. Simple to see, but much harder or impossible to implement.

For me, the alternate professional path I chose was to become a therapeutic yoga teacher, which included a meditation aspect, which I initially thought was a waste of time. Also, my focus for the yoga teacher training was to heal my physical body so I could help others do the same. Then, I realized that this mindful movement practice was actually healing my mind and shifting my perspective. Things appeared brighter with more clarity. It was as if the world became multi-dimensional, after only being one or two-dimensional. I realized that it might be possible to return to the practice of law, but in a more mindful way. This led me to the path of a public servant for the State of Vermont, Department of Chil-

dren and Families where I have been able to share my legal skills to engage in regulatory compliance for technology projects. Something I didn't even know existed as a legal path option in 2009 when I left my litigation job. I realized that incorporating the benefits of a dedicated mindful practice enabled me to be a healthier and happier version of a lawyer. As a passionate teacher, I knew that I had to share my insights and shifts in perspective with other lawyers and stressed professionals. So, in 2016 I started on the path of becoming a mindfulness instructor and the Vermont Bar Association has supported me every step of the way, which led to this quarterly Be Well article submission.

I want to outline some of the incredible benefits of engaging in mindful practices and emphasize the one benefit that inspires me to donate my time to support others. Overall, being mindful acts as a brake for your automatic survival and protective system, your sympathetic nervous system, which is your fight/flight/freeze/faint reaction. Once this braking device is activated, your relaxation response can be stimulated, which is your parasympathetic nervous system, which is your rest/digest/heal response. The benefits are many:

• Improved Mental Well-Being:

- Less stressed and emotionally reactive due to reduced levels of stress hormones (adrenaline, norepinephrine, and cortisol);
- Relief from anxiety and depression symptoms;

- Improvement in sleep and reduced insomnia;
- Increased levels of calming and relaxing hormones, which leads to overall peace of mind (dopamine, serotonin, and oxytocin);
- Overall happier mood;
- Better focus because the amygdala shrinks (the part of the brain responsible for the sympathetic/emotional reaction), which increases the ability to focus and learn new things;
- Increases in the volume of gray matter in the brain (the part of the brain responsible for short-term memory);
- Improved mental performance as the brain operates at its peak when relaxed and alert; and
- Improvement in the ability to be present during conversations and to, practice active listening.

• Improved Physical Well-Being:

- Better overall air intake for improved respiration, energy and vitality;
- Increased respiration to the brain, so you are able to perform complex cognition and thinking;
- Improvement to immunity;
- Overall healthier heart and circulation because your heart rate and blood pressure are lowered;
- Improved metabolism; and
- Slowing the aging process by preventing the loss of collagen, which makes your skin elastic.

• Improved Behavioral Well-Being:

- Increased self-awareness;
- Increased self-control;
- Able to be more objective;
- Able to be more tolerant;
- Enhanced flexibility;
- Improvement in implementing goal-based behaviors;
- Equanimity, which is mental calmness, composure, and evenness of temper, especially in a difficult situation;
- This is a state of psychological stability and composure that is undisturbed by experience or exposure to emotions, pain, or other phenomena.
- Improved emotional intelligence, which includes increased emotional awareness and regulation; and

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- The ability to relate to others and one's self with kindness, acceptance, and compassion.

Many of you know that I have been teaching virtual mindfulness since the Pandemic began in March of 2020 to provide all stressed humans the mindful tools to shift their nervous systems into a more relaxed and healing place. I teach through the Vermont Bar Association and every Monday, Wednesday and Thursday from 12-12:30 pm (email me if you are interested in joining samara.anderson@vermont.gov).

As of the writing of this article, I have taught 344 virtual mindful practices sessions and the main reason I have continued to do this pro bono work is because it is so extremely effective at increasing my overall well-being. In my opinion, at its core, the most important foundational reason these mindful practices sessions are so powerful at increasing overall well-being is that they increase the participant's self-awareness. Outlined above as one of the behavioral benefits of a mindful practice, self-awareness is the capacity to interpret your actions, feelings and thoughts objectively, and use this awareness to respond in appropriate and healthy ways. Obviously, it can be extremely difficult during challenging times to get far enough away from ourselves or the situations that are triggering us to make an accurate observation. But, if we are lacking in self-awareness, it can lead to responding to others and situations in maladaptive or harmful ways, which is often a disaster for the relationship or situation.

Thus, I was very drawn to a recent article outlining **10 things that highly self-aware people do effortlessly**:¹

1. They are able to consciously respond to stress in healthy ways, turning to healthy strategies available in their wellbeing toolkit.
2. They argue or have discussions without an agenda, listening with the goal of trying to understand and improve the relationship.
3. They embrace criticism and are able to separate the feedback they can use to grow and evolve as opposed to those with a negative agenda.
4. They are able to be objective about themselves, understanding another's view. This allows their minds to remain open with a clear field of vision.
5. They understand how their words and actions affect others, holding true to their values they know when

to speak and when to remain silent.

6. They are genuinely curious about their thought processes, but not obsessed with themselves. They are interested in understanding why they think, feel, and behave the way they do.
7. They are not direct reports to their ego, or their sense of self-esteem or self-importance, which is the part of the mind that mediates between the conscious and the unconscious and is responsible for reality testing and a sense of personal identity.
8. They are tolerant of other people's views, accepting the rights of others to express their views.
9. They can apologize sincerely, admitting when they have wronged or hurt someone or something without resentment or justification.
10. They find ways to grow from adversity, acknowledging where you are right now (and all the feelings that go with it) and knowing you will climb out of the pit and eventually grow from the experience.

As I review this list after incorporating disciplined mindful practices into my life in 2013, I know I still have a long way to go to "easily" achieving it. But those are the most meaningful aspects of practicing mindfulness, I will never reach a point where being human is easy and I am able to be self-aware one hundred percent of the time, but it has enabled me to be substantially healthier and happier! So, join me through mindful sessions and CLEs with the Vermont Bar Association or through my weekly virtual sessions (samara.anderson@vermont.gov).

¹ Adapted from "10 Things Highly Self-Aware People do Effortlessly", by Karen Nimmo on Medium.com (9/5/22).



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Choosing Vermont, Part 2



In our summer issue, we published a feature about why some of us have chosen to practice law in Vermont. We started with some of the VBA Board of Managers and yours truly and opened an invitation for others to tell their Vermont stories for this issue. Those responses follow.

For the next (winter) edition of the Journal, we will be inviting current students at Vermont Law and Graduate school to tell us why they came to Vermont for their legal education, and about their career plans. Do they hope to stay in Vermont? Why? Do they plan to move on? Why? Essays will be judged by Journal editorial staff, a group from the VBA Board of Managers, and Vermont Law and Graduate School staff. Up to five winners will have their essays published in the winter 2023 Bar Journal. (See the rules in the side bar). Those selected will also receive a law student membership in the VBA.

Workforce development is one of the major goals of the Bar Association, so understanding why lawyers come and why they stay, and maybe why they don't, is something about which we want to know more.

If you would like to share your own "Choosing Vermont" story, get in touch. After the student take-over in the winter issue, we will be featuring more working Ver-

mont attorneys in the spring issue.

Now, here's why a few more attorneys have chosen Vermont:

CARYN CONNOLLY, ESQ.

Who are you and where do you work?

Caryn L. Connolly, Esq., Brock & Scott, PLLC

If you're from away, what brought you to Vermont? I'm originally from New Jersey. Law school is what brought me here. I've been in Vermont for the past nine years and have made it my home.

For natives, why did you decide to stay in Vermont or to return? I'm not a native.

For non-natives, same question – why have you remained in Vermont? I immediately felt like I belonged in Vermont. I was a little worried at first when I heard that the temperatures could dip to -40° F. Coming from New Jersey, I was unprepared for that. My first purchases were a down coat and wool hat and socks along with insulated boots. Over time, I have acclimated to the weather. Some people in my first-year law school class transferred out as soon as they could because of the weather. I was ready to make a fresh start in a new place and am happy with my decision.



How, in your opinion or experience, is law practice in Vermont different from other places? I am licensed only in Vermont but do work with attorneys licensed in other states. Studying law in Vermont and living here has given me the perspective of a Vermonter (although not in the sense of my family having lived here for seven generations). I am part of the local community and see the viewpoints of my

neighbors and people throughout Vermont that an attorney located out of state may not have access to. However, while there are some big differences with other New England states, there are many similarities, giving me the opportunity to work in a collaborative environment with attorneys who have a depth and breadth of experience in multiple states.

What are your three favorite places (mountains, lakes, restaurants, whatever) in Vermont and why are they your favorites? There are a few different places in Vermont that I try to visit at least once a year. First, my favorite sugarhouse is Bragg Farm Sugarhouse and Gift Shop in East Montpelier. I have tried other maple syrups, but theirs is still my favorite and worth a trip from Burlington. I love the dark “robust” Grade B maple syrup the best. Second, I also love to visit a particular labyrinth about 20 miles away from the sugarhouse that was created with rocks from all over Vermont. I don’t quite remember where I first heard about it. Third, I also try to visit Bingham Falls near Smuggler’s Notch.

When you travel in the Rest of America (“ROA”) what makes you wish you were back here? I enjoy traveling and don’t often pine away for home when I have a chance to get away. But what does make me want to keep coming back is the sense of it being my home.

What’s the number one bit of advice you would give to an attorney thinking of coming to work in Vermont? Working in Vermont is different. I feel like the Bar is very collegial, and that is encouraged from the time you are first licensed—earlier if you attend law school here. Attorneys are open and willing to work with each other to reach solutions for their clients when possible. If you want to come and work in Vermont—especially coming from a big city—be open to a slower pace and familiarizing yourself with the people of Vermont and their concerns.

Other comments? Get out there and explore Vermont—especially the small towns. You will be glad you did.

KRISTIN GOZZI

Who are you and where do you work (or where did you work)? Greetings, I am Kristin Gozzi, Senior Deputy State’s Attorney at the Washington County State’s Attorney’s Office.

If you’re from away, what brought you to Vermont? I was born and raised in Oklahoma. I planned to leave Oklahoma after law school but didn’t know where to go. I had requirements for my new state, some people find amusing: the new state could not touch Oklahoma or a state that touches Oklahoma; must have a high quality of

life; and, must have cool weather and lots of trees. After a lot of research and deliberation, I settled on New Hampshire and hired a moving company. Then, I had a dream where the Goddess Athena visited me and told me she had something waiting for me in Vermont. So, right after law school graduation, I crammed my Saturn full of the items that didn’t go on the truck and headed to Vermont, sight unseen. Best decision of my life.



What keeps you here? The peace that comes from living here. A person’s value here isn’t dependent upon what church they attend, the car they drive, the clothes they wear, who they date, where they work, etc., which is refreshing. People in Vermont generally are happy to let others live their lives. I am able to authentically be who I am at all times without worrying it will cost me my home or livelihood.

How, in your opinion or experience, is law practice in Vermont different from other places? I have only practiced in Vermont, however because the bar is small and the State population is low, we individually have a greater chance of making changes in our communities, whether for the good or bad. If I share my court improvement ideas with my local judge and the local bar consisting of 10-15 attorneys, we can implement some agreed-upon ideas instantly. This is a great responsibility.

What are your three favorite places (mountains, lakes, restaurants, whatever) in Vermont and why are they your favorites? Laurelin Retreat in Bethel is a wonderful, beautiful, and peaceful place that welcomes a wonderful community of loving people. I love it so much I married my husband there. My husband and I love eating at Al’s French Frys when we are in South Burlington. Number one on my list is home. We have a beautiful old house that instantly felt like I was returning home after a lifetime away when I first set foot inside.

When you travel in the Rest of America (“ROA”) what makes you wish you were back here? Traffic. I love the slower pace here in Vermont.

What’s the number one bit of advice you would give to an attorney thinking of coming to work in Vermont? Be nice

to everyone. Nearly every opposing party in all my cases is represented by one of approximately ten attorneys. Plus, the opposing party may be the person coming to your home at 3:00 a.m. to repair your furnace on a snowy morning with below-zero temperatures.

ROBERT ULBRICH, ESQ.

Who are you and where do you work (or where did you work)? I’m Robert Ulbrich. I was born in November, 1929 and got my law degree from Rutgers Law School (formerly New Jersey Law) in 1954; moved to Vermont in 1955; passed the bar in 1956 (along with Ernie Gibson who eventually became Chief Justice of the Vermont Supreme Court). At that time, the bar exam was three days in September, given once a year with 13 applicants and six bar examiners. They could have taken us on a three-day fishing trip and known who should be admitted and who not. I opened my law office in January of 1957. I had clerked with Hugh H. Henry in Chester and bought his building on Main Street in Chester, naming it the ‘Henry Office Building’ and had eight tenants by April. I had my office in that building for 63 years, owning it for 49 years and as a tenant for 14 years, until December, 2018 when I closed the office.

Over the years I did real estate, corporations, divorces, taxes, wills and estates and anything that came up. I am delighted to have known and worked with Bob Stafford, R. Clarke Smith, Natt Divoll, Ozie Fitts and Paul Olsen, Senator George Aiken, Gov. Jim Douglas, Dave Emery (as SBA Council for two years), Palmer Ainsworth, and Al Parker, Bill Daken as my partner and untold others. I believe the bar in the fifties was about 300+ members so you knew almost everyone on a first-name basis.

In my work, I incorporated Magic Mountain and Timber Ridge ski areas, and Tater Hill Country Club. I represented Vrest and Mildred Orton, who founded the Vermont Country Store, which I incorporated and served on the Board of Directors for 30 years. I represented Pearl Buck in her real estate ventures. [editor’s note: Buck lived in Danby for a time. She is best known for her novel *The Good Earth*. She won the Pulitzer Prize in 1932 and in 1938 became the first American woman to win the Nobel Prize in Literature]. I was a Trustee of Chester Academy for 35 years creating the Butler Scholarships for John Butler which have given Scholarships of almost a million dollars to Green Mountain high school students. My final 10 years were spent mainly as an estate planning lawyer and settling estates.

If you’re from away, what brought you to Vermont? I moved to Vermont to live in

Vermont and get out of the New York Metropolitan area. I stayed here as the place to raise my children and be with the friends and clients that I have had for 68 years.

How, in your opinion or experience, is law practice in Vermont different from other places? In a Vermont practice you closely know your clients as clients and friends, business associates, town officers, teachers, tennis players and golfers as friends and opponents!

What are your three favorite places (mountains, lakes, restaurants, whatever) in Vermont and why are they your favorites? My favorite places and people are Chester, Lake Champlain, Point Bay Marina and doing the inland waterway with Al & Nancy Martin, and the Springfield and Londonderry tennis players. My favorite person is Diane, my wife, the person who ran the office, and tennis partner for 45 years.

What's the number one bit of advice you would give to an attorney thinking of coming to work in Vermont? Do it don't just dream, open in a small town as a sole practitioner or as a small firm, and don't expect to make as much money as you would elsewhere but your quality of life will be much better.



ANDY WATTS, ESQ.

Who are you and where do you work? My name is Andy Watts, and I serve as an Assistant Attorney General for the State of Vermont, where I currently represent the Department of Mental Health. My wife, Mary Alice Watts, and I own a home in Williston, and my office is in Waterbury.

If you're from away, what brought you to Vermont? My wife and I were drawn to Vermont because not only of the physical beauty but also for the people. The kindness of Vermonters and the sense of com-

munity here is unique. We love the appreciation Vermonters have for stewardship, both towards each other and for the environment. The weather is also great with four equally beautiful and distinct seasons. The proximity of Vermont to other nearby destinations is particularly attractive; we have beautiful mountains, streams, valleys, and lakes all within a few moments, but we are also close to the art, culture, and experiences of Montreal, New York City, and Boston, among others all within a few hours.

What keeps you here? We are fortunate to both feel passionate about service to others, both through my service through the AGO, and through my wife's service as a medical provider. Mary Alice is a Nurse Practitioner for UVM Neurology. We love exploring the state and surrounding area on weekend trips and have found ourselves involved in our "new" hometown, Williston, where we are active in several community organizations. We have found the move to be both professionally and personally uplifting and feel that we can truly be ourselves in Vermont.

How, in your opinion or experience, is law practice in Vermont different from other places? From day one, I have been impressed with the true collegiality of the Vermont Bar. Having practiced in other states across the country, I have found Vermont attorneys to be consistently ethical, prepared, and dedicated to their clients' interest all while maintaining the integrity of our profession. While this may seem like a basic tenet of our practice, the sense of community within the legal community is indeed particularly strong. It is an honor and privilege to serve as an attorney here and be a part of this capable professional

community.

What are your three favorite places (mountains, lakes, restaurants, whatever) in Vermont and why are they your favorites? Montpelier is one of the most charming communities I've ever experienced. That first view of the glistening rotunda when proceeding into town is stunning and never gets old. Lake Champlain is magnificently indescribable. We love experiencing the many culinary delights of Burlington, and the Northeast Kingdom is truly an unspoiled treasure. That said, it is hard to limit my answer to three favorite places; each new Vermont town we experience brings new memories, experiences, and faces that are all truly unique and special.

When you travel in the Rest of America ("ROA") what makes you wish you were back here? Without question, the people. The kind-hearted, open, and affirming society that we have is unlike any other place in this country and elsewhere.

What's the number one bit of advice you would give to an attorney thinking of coming to work in Vermont? I would encourage any attorney who truly wishes to focus on improving the lives of others to consider Vermont. If I had concerns about an attorney's ability to "play nice with others," I would suggest they consider other options. Collegiality in a small bar is extremely important, and while we litigate and represent our clients zealously, I am proud to be a part of a Bar that truly maintains that sense of professionalism and integrity. Above all, I would encourage and welcome attorneys who can commit to this level of professionalism to join this truly exceptional legal community.



Rules for Vermont Law School Students "Choosing Vermont" Essay Contest

Be a current student at Vermont Law and Graduate School working toward a JD or LL.M. degree.

Write an essay, 500 to 750 words, about why you chose to come to Vermont for law school, and why you hope to stay after graduation, or why you think you will leave.

Submit the essay to kvelk@vtbar.org by January 6, 2023. Essays should be submitted as a Microsoft Word attachment to an email. The submission window opens November 7, 2022 and closes January 6, 2023.

Judges will choose up to five submissions for publication in the winter edition of the Vermont Law Journal. The Journal appears online and in print. Winners will be asked to provide a photo of themselves, or some place in Vermont that is special to them, for use in the Bar Journal and on the VBA website and perhaps subsequently for the VBA's workforce development purposes. Photos must be free of copyright concerns.

The essays will become property of the VBA.

Winners will receive a student membership in the VBA for the balance of their law school careers.

The decision of the judges will be final.

Procedural Pitfalls: Or, Why I Can't Sleep at Night

If you are a litigator like me, you sometimes lie awake at night wondering what deadlines you are about to miss. On other occasions you may wake up in a cold sweat wondering what land mine may be awaiting you in that new case. While a certain degree of restlessness may be an occupational hazard, procedural pitfalls need not be. This article sets out some of the more obscure procedural issues that a litigator may come across. My hope is that sharing this knowledge may help fellow members of the bar "to sleep: perchance to dream."¹

I. STATUTES OF LIMITATIONS, DEADLINES AND OTHER HOBGOBLINS

a) 8 V.S.A. § 4203: "Direct Action Statute"

This statute provides, in part, that if an insured goes bankrupt after a judgment, "an action may be maintained by the injured person ... against the company under the terms of the policy, for the amount of any judgment obtained against the insured not exceeding the limits of the policy."²

Make note that the statute provides a short one-year limitation to bring an action.³

b) Vermont's Mechanic's Lien Law: 9 V.S.A. § 1921(a)

Vermont's lien law creates a lien in favor of a person contracting with the property owner which attaches to the real property when a contract is made for erecting, repairing, moving, or altering improvements to the real property or for furnishing real labor or material therefore.⁴

The lien will expire 120 days from, "the time when payment became due for the last of such labor performed or materials furnished," unless a lien notice is filed in the town clerk's office in which the real property is located.⁵ Importantly, an action to enforce the lien must be filed, and an attachment against the real estate must be granted within three months of filing the notice of lien if payment was due at the time the notice was filed or three months from the time the payment became due if not due at the time the notice was filed.⁶

As a practice pointer, the action to enforce the lien should be filed soon after the notice of lien is filed in the town clerk's office in order to allow adequate time for service of process and scheduling an attachment hearing. It is not enough simply to

bring the action. The attachment hearing must also take place and an order be issued within the three month time period, or the lien is lost.⁷

c) Payment Bonds

A payment bond guarantees that subcontractors and vendors will be paid. Such bonds are generally considered contractual undertakings between the general contractor or subcontractor providing the bond. The scope of their liability under the bond is governed by the language of the bond contract itself. Many bonds seek to limit the time within which suit can be filed for payment under the bond. Generally speaking, these limitations are not enforceable in Vermont because such provisions are barred by statute.⁸ Therefore, the general six-year statute of limitations would apply to a bond action, or the eight-year limitations period for suits on specialties or contracts under seal would apply.⁹

d) Statute of Limitations for Ski Injuries: 12 V.S.A. § 513

An action to recover for injury sustained while participating in the sport of skiing shall be commenced within one year after the cause of action accrues.¹⁰ In addition, there is a statutorily created defense of acceptance of inherent risk that applies for injuries sustained while skiing. It provides that, "a person who takes part in any sport accepts as a matter of law the dangers that inhere therein insofar as they are obvious and necessary."¹¹

In a case that involved a collision among skiers, The U.S. District Court for the District of Vermont determined that as long as the risk is found to be obvious and necessary, then this section will apply to shield the defendant by removing any duty owed to the plaintiff.¹²

e) Claims Against Decedent's Estates: 14 V.S.A. § 1203

All claims against a decedent's estate which arise before death of the decedent are barred if not presented within four months after the date of the first publication of notice to creditors or within one year after the decedent's death if notice to the creditors has not been published or otherwise given as provided by the Rules of Probate Procedure.¹³

f) Substitution of Parties: V.R.C.P. 25

If a party dies during the pendency of litigation, and a claim is not extinguished, the court may order substitution of the parties.¹⁴ Once a suggestion of death is made upon the record, a motion for substitution of parties must be made not later than 90 days after the death is suggested upon the record. Failure to meet the 90 day deadline will result in the action being dismissed as to the deceased party.¹⁵ The motion for substitution may be made by any party or by the successors or representatives of the deceased party. Service of the motion for substitution on parties should be made as provided for in Rule 5, and upon persons who are not parties in the manner provided for in Rule 4 for the service of a summons.¹⁶

g) Entry of Judgment: V.R.C.P. 58

A form of judgment submitted in accordance with this rule is required to be served upon all opposing parties, who shall file any objections to the judgment proposed within seven days of service upon them, unless the presiding judge orders any objections to be filed earlier.¹⁷

Therefore, when counsel receives a proposed judgment or order, it should be promptly reviewed and any objections noted with the court in a timely manner.

II. MISCELLANEOUS ITEMS

a) Witness Fees: 32 V.S.A. § 1551

Witnesses are allowed \$30 for court appearances and depositions.¹⁸ Mileage is reimbursed at the rate set out in the prevailing State employee collective bargaining agreement. Note as a practice pointer that if you issue a subpoena to a witness but fail to include an appearance fee and mileage check, the subpoena can be quashed.¹⁹

b) Procedure for Production of Employee Personnel Records: 12 V.S.A. § 1691a

By statute, an employee must be given notice prior to production of the employee's personnel records in a civil action. The rule is inapplicable in employment discrimination cases. The notice required shall inform the employee that a request for their personnel records has been made, the name, address and telephone number of the party or attorney making the request, and the name and address of the court in which the action is pending and the name

of the employer to whom the request has been made and an explanation of the employee's rights under Subsection (f) of this section.²⁰ The notice shall be served on the employee by first class mail at the employee's last known address at the time the disclosure is sought. Subsection (f) gives the employee the right to respond and object within 20 days after service of the notice. A copy of the response shall be served upon the party making the request for the records.²¹

c) Release of Claim for Personal Injury or Death Disavowal of Agreement: 12 V.S.A. § 1076

An agreement entered into within 15 days after personal injury or death, or personal injury or death of a spouse or child, which may adversely affect the estate's right to compensation for the personal injury or death, may be disavowed within three years after making the agreement.²² Importantly, when an agreement is disavowed, the claimant or his representative shall tender any consideration received to the person who paid it.²³

d) Prejudgment Interest in Federal Court Actions in Vermont

In a state court action, prejudgment interest in Vermont is calculated pursuant to twelve percent (12%) per year.²⁴ The United States District Court for the District of Vermont has held that Vermont law governs the award of prejudgment interest in a diversity case.²⁵

e) Comparative Negligence: 12 V.S.A. § 1036

Vermont is a modified comparative negligence jurisdiction. A plaintiff may not recover if he is more than 50% at fault.²⁶ The burden of proof remains on the defendant raising the defense of comparative negligence.²⁷

f) Arbitration: 12 V.S.A. § 5651

Vermont law requires that any agreement to arbitrate have a written acknowledgement of arbitration signed by each of the parties or their representatives.²⁸ This requirement applies to all arbitration agreements in Vermont to the extent it is not inconsistent with the laws of the United States. Courts have found that this provision requiring that any agreement to arbitrate be displayed prominently and be signed by the parties is preempted by the Federal Arbitration Act.²⁹ Consequently, an arbitration agreement which does not contain the acknowledgement of arbitration may still be enforced; however, it may be more prudent to include the acknowledgement and not have to litigate the issue as to whether or not that portion of the Act is preempted by the Federal Arbitration Act.

III. CONCLUSION

This outline will provide an easy source of reference for those procedurally quirky issues that pop up from time to time in a litigator's practice. Keep it handy and add your own procedural oddities as you discover. I hope that, armed with this knowledge, you can enjoy a "[s]leep that relieves the weary laborer and heals hurt minds."³⁰

Greg Weimer is of counsel with Kirkpatrick & Goldsborough PLLC in South Burlington, Vermont. He is an active member of the Vermont Bar Association, serving as Chair of the Practice and Procedure Committee. He is also a member of the Vermont Supreme Court Civil Rules Committee. He has presented at various seminars for the Vermont Bar Association.

¹ William Shakespeare, Hamlet, Act III, Scene I

² 8 V.S.A. § 4201(3).

³ 8 V.S.A. § 4203(2) states that "No action shall lie against the company to recover for any loss under this policy, unless brought within one year after the amount of such loss is made certain either by judgment against the insured . . . or by agreement between the parties." See also *T. Copeland & Sons v. Kansa General Insurance Company*, 171 Vt. 189, 196 (2000) (The statutory scheme read together clearly indicated that the one year limitation period set out in subsection 4203(2) applied to any direct action brought under subsection 4203(3)).

⁴ 9 V.S.A. § 1921(a).

⁵ 9 V.S.A. § 1921(c).

⁶ 9 V.S.A. § 1924.

⁷ *Filter Equipment Company v. IBM*, 142 Vt. 499, 458 A.2d 1091 (1983).

⁸ See, 12 V.S.A. § 465 which renders null any provision in a contract which limits the time in which suit may be brought under the contract.

⁹ 12 V.S.A. § 507.

¹⁰ 12 V.S.A. § 513.

¹¹ 12 V.S.A. § 1037.

¹² See *Dilworth v. Gambardella*, 776 F. Supp. 170 (D VT 1991), affirmed 970 F.2d 113 (2d Cir.1992).

¹³ 14 V.S.A. § 1203(a)(1) and (2).

¹⁴ V.R.C.P. 25

¹⁵ V.R.C.P. 25(a)(1).

¹⁶ *Id.*

¹⁷ V.R.C.P. 58(d).

¹⁸ 32 V.S.A. § 1551.

¹⁹ See *Watson v. Vill. At Northshore I Ass'n*, 2018 VT 8, 270 Vt. 154, 184 A. 3d 1133 (2018).

²⁰ 12 V.S.A. § 1691a (4).

²¹ 12 V.S.A. § 1691a (f).

²² 12 V.S.A. § 1076.

²³ 12 V.S.A. § 1077.

²⁴ 9 V.S.A. § 41a (a).

²⁵ *Campbell v. Metro Property & Casualty Ins. Co.*, 239 F.3d 179, 186 (2d Cir. 2001).

²⁶ 12 V.S.A. § 1036.

²⁷ *Frost v. Tisbet*, 135 Vt. 345, 347, 376 A. 2d. 748 (1977).

²⁸ 12 V.S.A. § 5652.

²⁹ See *Threlkeld and Co. v. Metalgesellschaft*, 923 F.2d 245, 1991 U.S. App. LEXIS 490 (2d Cir.) cert. dismissed, 501 U.S. 1267 (1991).

³⁰ William Shakespeare, Macbeth, Act II, Scene II.



Here's the Summer Journal's Crossword Solution!

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

Welcome to the Vermont Bar Foundation

My name is Harry Parker, and I am the new President of the Vermont Bar Foundation Board of Directors. I grew up in Waterbury, Vermont, and attended the University of Vermont for my undergraduate studies. I completed the Vermont Law Office Study Program while working for Bauer Gravel Farnham, LLP and have been in private practice at the firm since my admission to the Bar in 2015. In addition to my legal practice and service on the VBF Board of Directors, I am the chair of the North Hero Select Board. I live in North Hero with Lauren, my wife, my daughter Evelyn, and Remy, our black lab.

I am very thankful that the Bauer Gravel Farnham, LLP partnership team encourages and supports community driven service. Practicing law with my father, Eric Parker, has also been a great gift.

Over the past year, I served as President Elect of the VBF. It is impossible to overstate the impact that Renee L. Mobbs of Sheehey Furlong & Behm P.C., had on the VBF during her term as President from 2021 to 2022. She was instrumental in the significant advances we made, particularly in strategic planning and hiring our new Executive Director, José M. Herrera.

Board service is one of the most difficult volunteer roles to fulfill, and Renee's service was marked by commitment, wisdom, and unyielding hard work. Because of her efforts, the Vermont Bar Foundation is a better organization.

The VBF is a nonprofit fundraising organization dedicated to increasing access to justice for low-income, underserved, and marginalized Vermonters. Donations to the VBF flow to local organizations that provide legal services to Vermonters who need them most. Some of our past grantee organizations include Vermont Legal Aid, the Vermont Law School Veterans Legal Assistance Project, Have Justice Will Travel, Steps to End Domestic Violence, and Children First!

A recent economic impact study commissioned to determine the impact of the dollars that flow through the VBF and are invested in our community showed that for every dollar donated, there is an \$11 return. This is a social impact return on investment of 1106%! Our grantees help low-income Vermonters with critical legal issues affecting their families, homes, incomes, jobs, and access to vital services. Receiving these services when they are needed most strengthens the most fragile elements of our community.

Today, we find ourselves in uncertain

times. Just as we seem to be emerging from a global pandemic, recession concerns are paramount. We expect the need for the types of services that our grantees provide to increase in the near term. Our goal is to increase our funding depth and breadth so that we are ready to increase funding to the incredible organizations doing this important work.

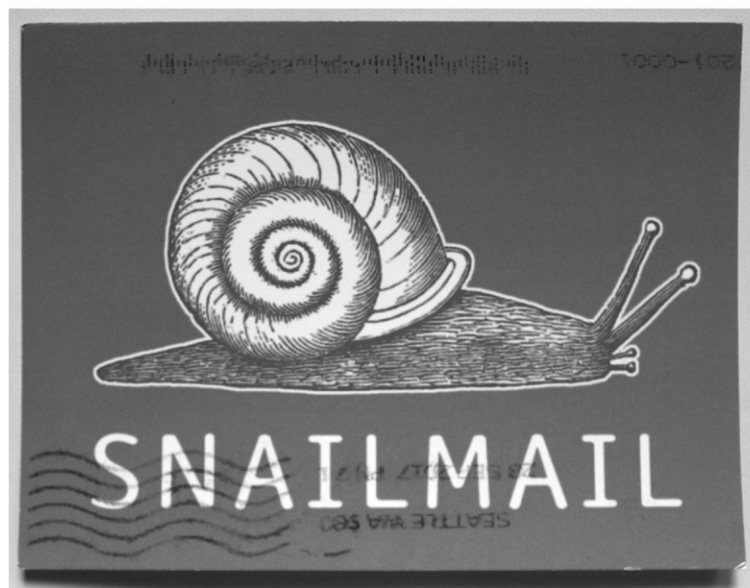
It has been an honor to serve on the Vermont Bar Foundation for the past five years, and I would like this next year to be our most productive yet. To achieve that goal, we need your help. As noted, every dollar has a big impact. Your donations lead directly to improving the quality of life of vulnerable Vermonters. Housing security for someone facing eviction leads to food security, transportation security, and so on.

As the VBF strives to adapt and respond to our communities' changing needs, I hope we can count on you to join us in our mission to ensure that all Vermonters have access to justice. Please consider donating at vtbarfoundation.org/donate/.

Thank you!



YOU'VE GOT MAIL!



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Check your mail for information on the Poverty Law Fellowship Campaign. Financial contributions of any size make a difference.

You can also donate online at:
vtbarfoundation.org/donate

Show Gratitude for Eric Avildsen with a Contribution to the VBF Today

Turnover among Vermont nonprofit executives, seems high as of late, with Deborah Bailey of the Vermont Bar Foundation retiring in late 2021, Teri Corsones of the VBA moving on to Court Administrator, and now another highly respected and accomplished executive director, Eric Avildsen with Vermont Legal Aid, will retire at the end of October.

Deborah Bailey commented on Eric's retirement saying, "It was a pleasure to work with Eric during my time as executive director of the Vermont Bar Foundation. His determination and commitment to equal access to justice aided and improved the lives of many of Vermont's most vulnerable individuals and families. He made a difference, and I hope you will consider donating to the VBF in Eric's honor. That, I believe would be meaningful to Eric and to the VBF."

In 1988, Eric Avildsen took over the reins of VLA, where he has since gained renown during a 33-year stint as executive director. Under his direction, the size of the VLA

staff and the breadth of its legal work has increased significantly. VLA now has a staff of 89, organized into 11 projects and has an annual budget of more than \$9.5 million.

This October will be extra special for both the Vermont Bar Foundation, as we celebrate our 40th year anniversary, and for Vermont Legal Aid, as it bids farewell to Eric after an impressive record of helping to improve access to justice for all Vermonters.

The Vermont Bar Foundation is proud to have worked with and to have supported VLA over the years. Our most recent collaboration included us fundraising for the Poverty Law Fellowship. Our previous fellow, Emily Kenyon, was located at Vermont Legal Aid. We are excited to continue our collaboration with Wendy Morgan as VLA's interim executive director.

To honor and show our gratitude for Eric Avildsen, we are asking attorneys, judges, justices, and anyone who has witnessed the amazing work he has done to



improve access to justice to donate to the Vermont Bar Foundation on Eric's behalf. The work of improving access to justice has progressed greatly since 1988, but we still have work to do.

You can donate at vtbarfoundation.org. Please indicate you are donating on Eric's behalf. All donors, including those who give to the VBF on behalf of Eric Avildsen, will be recognized in an upcoming VBF annual report.

You can also mail a check to: Vermont Bar Foundation, PO Box 1170, Montpelier, VT 05601-1170. In the memo, please indicate that you are donating to the VBF on behalf of Eric Avildsen.

Thank you, Eric Avildsen, for your amazing work and we wish you the best in your life's next chapter.



CONSIDER JOINING THE LAWYER REFERRAL SERVICE

The Vermont Bar Association is looking for additional panel members to serve on our Lawyer Referral Service. We field over 40 calls a day and the service has generated over \$1 million dollars in revenue over this past year to our panel members.

There is a significant need for more panel members in rural areas as well as statewide and particularly in the areas of family law, employment law, disability law and immigration law. Also, we are looking for panel members interested in cannabis law.

Please contact Tom Barrett at tbarrett@vtbar.org for more information.

Serving the Public and the Profession

Are Impaired Lawyers Insurable?

Multiple lawyers and firms have reached out to me over the years, each concerned about impairment and wanting to discuss their options. In light of these conversations, and with a desire to put one significant misconception to rest, I have asked and answered several questions as a way to share what my response has been.

What is your definition of the phrase “lawyer impairment” and why is this definition important?

While I often define this phrase quite broadly, for the purposes of this article I am going to narrow it slightly. Lawyer impairment can encompass impairments that to varying degrees our society tends to stigmatize such as mental illness and chemical dependency. Lawyer impairment also includes long-term disabilities that can arise out of an accident or illness, or a terminal illness, for example, cancer.

This definition of lawyer impairment is important because any one of us can become impaired and we need to be more open and proactive about addressing impairment when it arises. The longer an impairment remains unaddressed, the more severe the impairment or its consequences can become.

Lawyers struggling with a mental health impairment are often quite resistant to seeking help due to a fear of being viewed as weak, crazy, or even dangerous; as unable to cut it as a lawyer; as different because there’s something wrong with them; or of being told that their problem is self-inflicted so they should just get over it. Those struggling with a chemical dependency face similar fears.

Those suddenly dealing with a disability or terminal illness sometimes hide the truth due to embarrassment; a belief that they have let others down and will be viewed as such; and a fear that they may no longer be competent or will be viewed as incapable.

When all of this is considered in the context of impact on livelihood, such feelings and fears can be a substantial roadblock to dealing with an impairment in a healthy way. It needn’t be this way.

Okay, so what is the significant misconception?

The one significant misconception is that there will be some type of negative repercussion if a firm’s malpractice insurer somehow learns that one of its lawyers is impaired. Worries include being charged higher premiums, being denied continuous coverage, having someone forced into quitting the practice of law, being told how the firm must manage the situation in order to remain insurable, and the list goes on. The overriding concern is one of insurability.

Here’s the reality. There is no truth to any of

this. Malpractice insurance applications don’t ask firms to disclose the number of firm attorneys who are currently struggling with depression, being treated for a terminal illness, or have an opioid addiction. The fact that one or more firm attorneys may have an impairment in and of itself doesn’t matter. Should an insurer come to learn of an impairment, perhaps in the process of handling a claim, the concern will be whether the impairment is being responsibly addressed.

Think about it this way. There’s a huge difference between a lawyer who refuses to acknowledge he is an alcoholic and a lawyer who recognizes that a drinking problem exists and seeks appropriate help. Life happens, and insurers understand that. It’s the fallout of failing to appropriately address the issues that can result in adverse consequences with your insurance coverage, not the impairment itself.

Look at it from an insurer’s perspective. Which firm would you rather insure: 1) a firm that has a culture of zero tolerance for even acknowledging that someone might be impaired, or 2) a firm that recognizes life happens and is culturally supportive of whoever might be dealing with an impairment?

I assure you the zero-tolerance firm is a much higher risk. Denial, intentional ignorance, and intolerance create conditions that allow potential problems to fester and multiply. That’s high risk. Openness, empathy, and support leads to the exact opposite outcome. This is a far more acceptable risk.

Insurers are in the business of evaluating risk and you are in control of what that risk looks like. Stated another way, individuals and even firms are not always defined by the circumstances they find themselves in. They are more often defined by how they respond to the situation. Again, life happens. Rise to the occasion.

With this misconception put to rest, do you have any practical advice to share about dealing with an impairment?

Here is a little practical advice for dealing with an impairment:

1) Failing to deal with an impairment individually and as a firm has consequences. Should the legal interests of clients be adversely affected as a result, malpractice claims and disciplinary complaints may not be far behind. In light of this, my best advice is to do all you can to create an environment that seeks to prevent such a thing from ever happening. If not already in place, a firm culture that prioritizes well-being would be a great place to start.

2) In order for an individual to responsibly address an impairment, recognize that some type of temporary or permanent transition may need to take place. As a firm, do every-

thing you can to identify and work through the transition issues together. This is a time when the efforts of a team can make a huge difference for all involved. Issues to consider might include workload, file review, schedule changes, role changes, file handoffs, client contact, client introductions, conditions of remaining with the firm, conditions of returning to the firm after an extended absence, capturing any intellectual capital before the opportunity is lost, impact on the impaired attorney’s income, necessary workplace accommodations, and the list goes on. A solo practitioner should work with a trusted colleague on many of these same issues.

3) Should you ever find yourself having to accept the reality that you have an impairment, don’t try to go it alone. Reach out to and rely upon your personal support systems. Allow spouses, friends, family members, colleagues, and the like to be there for you. Be open to accepting their support, respect, and care. Your journey will be all the better for it.

Any parting words of wisdom?

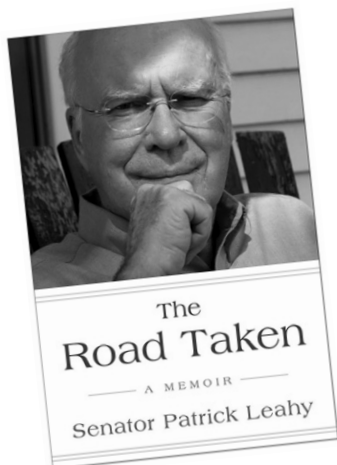
A misconception that needlessly creates risk by preventing someone from prioritizing their health is a misconception that must be dispelled. My hope is that by correcting the record, this will lead to different and better choices. Individuals who might have been reluctant to seek treatment may feel more inclined to do so. Firms that have been unwilling or unable to acknowledge that their lawyers and staff do struggle with serious problems at times may now be more open to taking both proactive and responsive actions.

Lawyers and firms have wide latitude in how impairment can be addressed. Just know that it starts with 1) recognizing that impairments are common and 2) understanding that no one should have to work through the challenges of personal impairment alone.

Since 1998, Mark Bassingthwaighte, Esq. has been a Risk Manager with ALPS, an attorney’s professional liability insurance carrier. In his tenure with the company, Mr. Bassingthwaighte has conducted over 1200 law firm risk management assessment visits, presented over 400 continuing legal education seminars throughout the United States, and written extensively on risk management, ethics, and technology. Mr. Bassingthwaighte 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.



BOOK REVIEW



"The Road Taken"

by Senator Patrick Leahy

Reviewed by Gary Shattuck, Esq.

"When you put down the good things you ought to have done, and leave out the bad ones you did do — well, that's Memoirs."¹

Upon the recent release of Senator Patrick Leahy's *The Road Taken: A Memoir* (2022), publisher Simon and Schuster boldly characterized it as "among the greatest political memoirs of our time."² Such claim begs testing when confronted with an already crowded field of other politically-oriented memorialists penning their own personal stories: (in no particular order) Joe Biden, Barack Obama, George W. Bush, Bill Clinton, Hillary Rodham Clinton, Jimmy Carter, Henry Kissinger, Madeleine Albright, Bernie Sanders, David Cameron, and Tony Blair.

And what do such efforts have in common? Varying viewpoints on their contributions to politics, certainly. But also, no doubt, moments tinged by Will Rogers's pragmatic cowboy wit.

That Leahy chose to write a memoir describing aspects of his admirable, uninterrupted eight terms of service to Vermont and the nation in the U.S. Senate is not surprising. Few can claim such a first-hand perspective to pivotal moments in history gained from interacting with a bevy of

the world's A-list, Who's Who movers and shakers. Over the course of 423 well-crafted pages containing an eyepopping 61 "chapters" (rather, brief vignettes), accompanied by photographs taken by the first-time author, Leahy escorts the reader on a dizzying chronological ride describing his involvement in a variety of domestic and foreign matters too numerous to list here, accentuated by unforgettable "pinch me" moments. His story spans a half century of political theater beginning in his formative years at the rise and death of President John Kennedy to, in his seniority, the inexplicable presence and effects of Donald Trump.

Opening with a brief overview of his life leading to his surprising first election in 1974, the transition from a fresh-faced new comer to the Senate (relegated to the role of bartender serving libations to his more senior colleagues), while overcoming his "natural shyness" as he climbed its pecking order to become a respected modern day political animal near the very top of the nation's order of succession, is laid out. It is an admirable demonstration of survival in an environment fraught with career-ending danger for the wayward. Yet, in this day and age when the public clamors for term limits capable of undercutting such lengths of service, the author avoided any mention of that uncomfortable subject. Had this 'dean of the Senate' chosen to at least acknowledge this important question, his memoir could have served to advance the conversation and, perhaps, prompt the consideration of alternatives. It was a missed opportunity.

Leahy's choice of the memoir format is also not surprising. *The Road Taken* is not an autobiography, a history, or a tell-all. It is, as he avers in the opening pages, a personal testament to his efforts to maintain the integrity of the Senate as an institution representative of the nation's conscience. Tracing its history while under his increasing tutelage, the author describes a time when that integrity, and the truthfulness of senators, meant something before their shredding in more modern times. Preparing to leave the stage in 2023, Leahy con-

cludes his story wistfully praying for a return to those, in comparison, halcyon days.

In the process, Leahy's account also poses a challenge to the discerning reader. While it admittedly covers a wide range of interesting events, it is also a selective, at times myopic, reporting that allows him a degree of license in what to record, or not record, from what those other formats expect. For those that are included, the author is allowed to omit, as he or she chooses, important aspects for the sake of brevity to keep the readers' attention from waning, or, at times, as Will Rogers jokes, to minimize the impact of unfavorable information. This introduces its own pitfalls because those important stories left out could provide further context to the ones actually told, casting suspicion on an otherwise credible effort. In short, the memorialist who omits incriminating information rather than owning up to his foibles hazards harm to the very credibility and honesty he hopes his writing will reinforce. Such examples of other 'missed opportunities' in this regard that could have further illuminated the reader include his: impermissibly providing the media with a secret Senate committee report; involvement in bringing loud F-35 fighter jets to Burlington causing great community consternation; and, close association with individuals engaged in massive fraudulent conduct upending the EB-5 immigration program he sponsored.³

Notwithstanding such omissions, in the end, *The Road Taken* is an important addition to the sparse historiography of Leahy's background and contributions to the country.⁴ While it provides the public with insights into many instances where he played important roles, it also demonstrates the challenges that memorialists face in their introspection deciding how much exposure they are willing to stand. While the senator's book concentrates on polishing his persona from his perspective, inquisitive readers of this and any other memoir will want to know of other stories omitted that might have affected the context of what was included.

Regardless of Will Roger's comedic relief, Senator Leahy's effort is well worth

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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.

reading to better understand both aspects of the man and the challenges posed to the nation in these last few decades.

Gary G. Shattuck, Esq. is a former Vermont assistant attorney general and assistant U.S. attorney who acted as a legal advisor to governments in Kosovo and Iraq and served as Vermont's anti-terrorism co-

*ordinator. He is the author of several publications about pivotal periods in Vermont history, most recently *Night-Rider Legacy: Weaponizing Race in the Irasburg Affair of 1968* (White River Press, 2022).*

¹ Will Rogers, *The Autobiography of Will Rogers* (Cambridge, MA: Houghton Mifflin Harcourt, 1949).

² *The Road Taken* dustjacket.

³ *Seven Days*, 31 Aug. 2022.

⁴ See, e.g., Chittenden County state senator Philip Baruth's *Senator Leahy: A Life in Scenes* (Lebanon, NH: University Press of New England, 2017).



IN MEMORIAM

Stephen C. Walke, Jr.

On Wednesday, March 23, 2022, Stephen C. Walke Jr., 79, passed away after a long and tenacious battle with cancer. Stephen, or "Steamer" as he was known to many, was a longtime resident of Montpelier, Vermont, where he served as an attorney, a City Council member, and a regular patron of the Coffee Corner. He was born in Chattanooga, Tennessee, and lived in various parts of the Southeast and Northeast, as the son of an Episcopal priest. After many years in Vermont, his Southern accent surfaced only in conversation with family from Virginia or North Carolina. He was educated at Saint Andrew's School in Middletown, Delaware, where he was captain of the crew, Yale University, George Mason University, and the University of Virginia School of Law. Steamer was an accomplished sailor and a veteran of the United States Coast Guard. A resourceful handyman, he always had several projects in the works, from wooden bookshelves to a rustic Adirondack lean-to. He was an avid reader; his favorite books were sea stories and who-dun-its. He was always ready for a game of bridge, playing up until two days before his death. Steamer loved the family camp on Raquette Lake in the Adirondacks, where he could put all of his enthusiasm to work. His loved ones could always find him in a crowd; he was a big guy with a big smile and a big heart who embraced and built community. He was a devoted member of the congregation of Christ Episcopal Church, where he sang in the choir and held several leadership roles. He volunteered as a coach for his children's sports teams, and he was a Cub Scout leader. Throughout his life, he was a reliable and vocal supporter of the sports teams upon which his children and grandchildren played and in the intervening years, he was a regular at Montpelier sporting events cheering on the local side. Steamer touched many who came to know him. He paid attention to all he

met, across a wide variety of ages and livelihoods, taking a genuine interest in their lives and enjoying their company with empathy and acceptance. Casual encounters led to enduring relationships with everyone from the seasonal butcher in Raquette Lake to many of the nursing staff at CVMC. He had a strong moral compass, and an innate instinct on how to help others, by practical acts of service and a calm and patient presence for friends and family in times of upheaval and need. He would regale you with well-worn jokes, gentle teasing, funny anecdotes and occasional impromptu snatches of semi-relevant show tunes. Steamer is survived by his wife, Judy Warriner Walke; his children, Peter Walke and Elisabeth Kahn; his four grandchildren, Everett and Carregan Walke, and Iris and Asher Kahn; his two sisters, Mary Bowman and Marion Goethals; and a large extended family.

Lawrence Raymond "Ray" Massucco

Lawrence Raymond "Ray" Massucco, 75, died at home Tuesday, September 27, 2022 in Bellows Falls. He was born in 1947, in Waterbury, Conn. and grew up in Bellows Falls, the son of Dr. Lawrence and Marion (Bigelow) Massucco.

Ray graduated from Bellows Falls High School in 1965, the University of Vermont in 1970, and Suffolk Law School in 1973. Following graduation from law school he returned to Bellows Falls to practice law with Tony Kissell and began a career he genuinely loved, which spanned 50 years. Ray enjoyed gathering with his colleagues of the Windham County Bar Association, and rarely missed the annual meeting. He was also active in the Vermont Bar Association, served on the Vermont Board of Bar Examiners, and the National Board of Bar Examiners.

Ray loved his hometown and its history, promoting it enthusiastically at every

opportunity while also working to bolster its future. He volunteered and served on many boards and committees throughout his life; the Downtown Townscape project; the YMCA board, and the Connecticut River Watershed Council, Rockingham's 250th anniversary celebration. He was active with class of '65 BFHS alumni. He also acted as village and town moderator, served on the boards of the Rockingham Free Public Library and Greater Area Rockingham Services. Ray was a prolific blood donor, and gave his 183rd pint shortly before his death. He and others in his office looked forward to the Windham County Big Brothers and Big Sisters "Bowl for Kids' Sake" fundraiser each year, and raised thousands of dollars for that organization.

As a life-long music lover, Ray was never happier than when bringing the next live music event to Bellows Falls. The Roots on the River Festival was a passion for him. He worked tirelessly and joyfully for nearly 20 years to make it happen. In 2006, he founded Vermont Festivals. He presented the Vermont Symphony Orchestra, folk musicians, comedians, and drew visitors from all over New England and beyond. Ray's gift of gab allowed him to form lasting bonds of friendship with these musicians, artists, and fans.

Of all his many passions and commitments, Ray most loved his family and creating special memories to spin into tales he could share with everyone he met.

Ray is survived by his wife of 53 years, Ginny; their three children Neil Massucco, Julie (Mike) Kleiner, and Kate (Matt Slocum) Massucco of Seattle; two sisters, Mary Lou Massucco of Saxtons River and Sarah Jane (Stephen Chipman) Massucco of Bartonsville; his grandson Ben Kleiner; four nieces; two nephews and two grandnephews; many cousins; and his law office partners and employees. He is predeceased by his parents and brother, Johnny Massucco.



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November 8 & 26, 2022 and December 6 & 13, 2022

“Chewing on Conflict”
Dispute Resolution Webinar CLE
November 17, 2022

See the VBA website for details.
More programs will be added as they are confirmed.

Save These Dates!

Bankruptcy Holiday CLE - December 2, 2022 (location TBD)

Young Lawyer's Division Mid-Winter Thaw
January 13-14, 2023 (Omni Hotel, Montreal)

Real Estate Law Day (remote dates in February 2023 TBD)

VBA's 66th Mid-Year Meeting - March 31, 2023
(The Equinox Golf Resort & Spa, Manchester)

*The VBA Digital Library, with loads of recordings of CLEs,
is always open at the VBA website. New titles from the
Annual Meeting in September have just been added
and there are more titles on the way.*



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inPERSON

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Following training, officers will find themselves assisting soldiers and retirees, advising military commanders, and representing the Vermont Army National Guard in administrative matters. Position assignments include the Office of the State Judge Advocate at Camp Johnson in Colchester, Vermont; the 86th Infantry Brigade Combat Team (Mountain) at the Joint Readiness Center in Jericho, Vermont; and the Trial Defense Detachment based in Williston, Vermont.

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