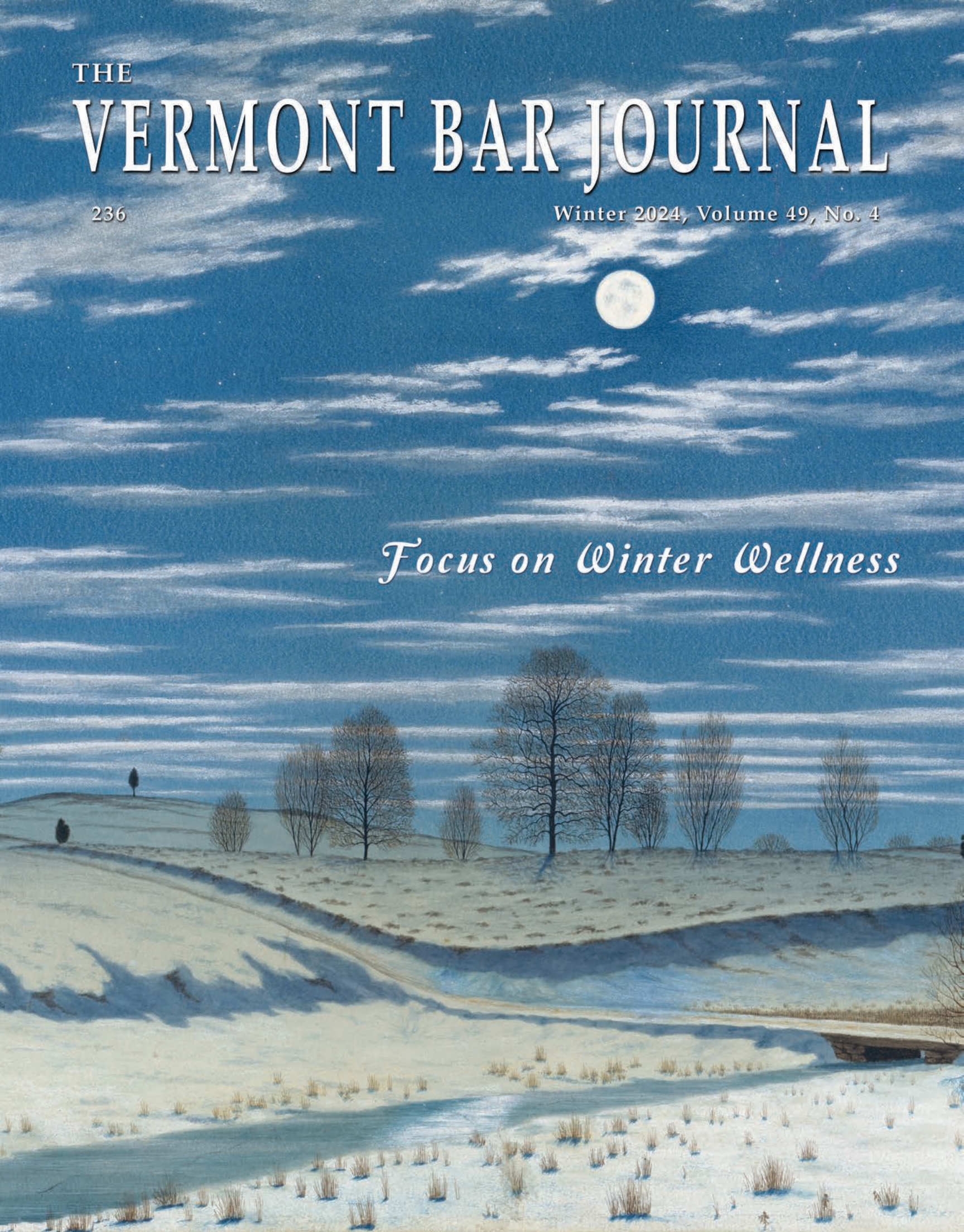


THE VERMONT BAR JOURNAL

236

Winter 2024, Volume 49, No. 4

Focus on Winter Wellness





Complex Legal Challenges require legal teamwork

Legal Complexity Requires Legal Teamwork

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DEPARTMENTS

PRESIDENT'S COLUMN

- 5 — My Goals for the Year Ahead
Judith L. Dillon, Esq.

PURSUIITS OF HAPPINESS

- 8 — Doug DiSabito, State's Attorney & Dancing Star
Kim S. Velk, Esq.

WHAT'S NEW

- 12 — Seventh Annual Martin Luther King, Jr. Middle School
Poster-Essay Contest
Kim S. Velk, Esq.
14 — VBA Flood Victims Legal Help Project a Success
Mary Ashcroft, Esq.
14 — Board Elections to be held at Mid-Year Meeting
on March 29th

BE WELL

- 16 — Support your Brain (and Overall Well-Being)
During the Winter Months
Samara D. Anderson, Esq.

27 — BOOK REVIEW

28 — IN MEMORIAM

29 — CLASSIFIEDS

FEATURES

- 18 — Legal Work Is Trauma Work
Cassie Gillespie, LICSW
20 — Conflict Management: How Collaborative Divorce Skills Might Help
Nanci A. Smith, Esq.
23 — What's Your Side Hustle?
Julia Compagna, Esq.
24 — Artificial Intelligence: How It Can Target Your Firm's Cybersecurity Defenses
Sharon D. Nelson, Esq., John W. Simek, and Michael C. Maschke
25 — Looking Back, Looking Forward — Vermont Bar Foundation Accomplishments and Goals
José Herrera
26 — How I Took Advantage of the Winter Blues and Found Wellness — And How You Can Too
Mark Bassingthwaite, Esq.



Detail from "Winter Scene in Moonlight" by Henry Farrer, 1869
Watercolor and gouache on white
wove paper, American.
Metropolitan Museum of Art
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To learn more about the painting
and its artist, follow this link:
<http://tinyurl.com/5dtyan6z>

The crossword puzzle is
taking a hiatus for this
issue as crossword maker
Kevin Lumpkin, Esq. is
busy welcoming his son,
Simon Lee, to the world.
The crossword will return
in a future issue!

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ADVERTISERS INDEX

ALPS	23
Berman & Simmons	8
Biggam Fox & Skinner	4
CAER	7
Caffry Law, PLLC	22
Cleary Shahi & Aicher, P.C.	6
Dinse	6
Law Pay	11
Marks Powers LLP	10
Northeast Delta Dental	25
O'Connor, First, Joslin	15
Pajcic & Pajcic	9
Preferred Properties	21
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SANA	17
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PRESIDENT'S COLUMN

My Goals for the Year Ahead

Thank you for the opportunity to serve as President of the VBA. As I announced during the Annual Meeting in Burlington in September, the focus of my year as President will be addressing the two ends of the demographic or workforce challenge facing our Bar. The median age of the VBA is 60, meaning there are as many lawyers above that age as below that age. The average age is 52. To change that statistic and ensure that we have enough lawyers in the future to represent Vermonters, we need to attract, maintain, and nurture new and diverse lawyers to Vermont. In addition to workforce development, I also want to help attorneys that have served Vermonters for decades and are exploring transitioning out of the active practice of law.

For the past several years, I have chaired the workforce development committee researching and identifying the obstacles to new and younger lawyers choosing to practice in Vermont. The efforts of the workforce development committee, created by then President-Elect, now Judge Beth Novotny, and inspired by the President's page of Gary Franklin, led to a report identifying these obstacles and recommendations and action steps to address them.

Loan Repayment Assistance Program

One of the identified challenges to attracting and retaining new and diverse lawyers is the student loan debt carried by most new lawyers and the lower compensation available to Vermont attorneys. In a 2020 survey conducted by the Young Lawyers Division of the ABA, the median student loan debt was \$160,000, for respondents with a median age of 32. To help offset some of this financial burden, this fall, the VBA launched its Loan Repayment Assistance Program. The goal of the Program is to provide grants to lawyers working in underserved geographic or practice areas serving vulnerable or underserved Vermonters. To be eligible, applicants must have a student loan debt of at least \$25,000, be licensed in Vermont, be members of the VBA, and have an annual income from the provision of legal services of less than \$75,000 a year.

We received 15 applications. The application materials revealed that many of our Vermont attorneys are laboring under crushing debt and the need for this and other assistance or repayment programs. Among our applicants, the average student loan debt was \$170,705. The debt amounts ranged

from \$25,000 to more than \$350,000. The average debt to income ratio was 2.94. Despite this, these practitioners have chosen to work in Vermont, in family law, elder law, public defense, housing and eviction defense, juvenile and other critical areas where legal services are needed.

We will be making the first awards in the new year. We plan to make this an annual effort and hope to increase the amount of funds available for distribution.

Outreach to Student and Community Groups

To get a head start on attracting new and diverse lawyers to Vermont, we need to create a pipeline of young people interested in legal careers and provide them with opportunities to engage with attorneys to feed that interest as they go through school.

On Nov. 9, 2023, the Boy & Girls Club of Burlington sponsored a career and college fair. The event was also open to young people involved with King Street Center, and Spectrum. VBA member Steve Ellis of Paul Frank + Collins, who serves on the Boys & Girls Club Board, reached out to the VBA to organize participation of lawyers at the event. Lawyers and paralegals from Paul Frank + Collins, Dinse, Gravel & Shea, and Stitzel, Page & Fletcher participated and engaged young people in conversation about the law and the legal profession. The Judiciary also graciously answered the call for volunteers with Justice Nancy Waples, Judge Novotny, and Court Administrator Teri Corsones interacting with students, posing for pictures, and talking about the law, legal profession, and their ideas and hopes for the future. The attorneys handed out pocket constitutions, pens, and cookies prepared by Teri Corsones while answering questions about the law. Some of the students shared that prior to the event, they had never met a lawyer. The event exposed these students to role models in the legal profession.

The children served by the Boys & Girls Club, King Street Center, and Spectrum are the seeds for growing a more diverse and inclusive Vermont and legal community. These organizations provide services and support to many first-generation Americans, that are blending into and contributing to the greater Burlington and Vermont communities. My goal is to develop programs where lawyers in Vermont regularly interact with these young people throughout their formative years.



Judith L. Dillon, Esq.

Towards that end, I encourage all county bar associations to reach out to their Boys & Girls Club, or other youth organizations, and schools to see how local lawyers can support their mission while providing role models in the practice of law. There are attorneys and judges throughout the state who have developed relationships with their local schools to provide programs or talks to students. I encourage those individuals and others to reach out to their county bars or the VBA to create more sustainable programs that live on beyond the energy and availability of these individual lawyers.

There are programs that went dormant during the COVID-19 pandemic that I encourage all to revive, including Law Day. Many county bars throughout the state once provided entertaining and informative programming to their local schools. Let's commit to reviving that program in 2024. Law Day 2024, will be celebrated on May 1, 2024, and the theme is "Voices of Democracy." In announcing the theme, ABA President Mary Smith warned that our system of democracy and rule of law are under threat and, "we must all use our voices to maintain our system of laws and to ensure that our democracy" endures. The VBA has links to the ABA materials on its website. I urge county bars to reach out to the VBA for help and support in developing these programs.

The above ideas and initiatives focus on the younger entries to the pipeline of potential future lawyers, the VBA is also engaging with those that have decided to pursue a career in law at Vermont Law and Graduate School. The VBA is developing mentorship programs with affinity groups and events



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with the VLGS to create opportunities for students to meet and network with Vermont practitioners. Creating connections while in school is one of the ways to encourage students to stay and develop their legal careers in Vermont.

The VBA is also working with members of the Vermont Legislature to provide financial support for our programs. Senator Nader Hashim, from Windham, who is also a newly-admitted attorney, responded to the call for ideas and initiatives to help attract, maintain, and support new and diverse lawyers to the state with a proposal for funding le-

gal internships in Vermont. He has drafted a proposal for \$60,000 to the VBA to support legal internships in Vermont and towards the Loan Repayment Assistance Program.

Next steps

This column focused on workforce development initiatives. In January, the VBA will be circulating a survey on retirement and succession planning. Please fill out and return the survey. My next column will discuss the results.





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PURSUITS OF HAPPINESS

Doug DiSabito, State's Attorney & Dancing Star

KSV: Hi Doug – and thanks so much for agreeing to talk with us about your “Pursuits of Happiness.” As you know, for this feature, we interview attorneys with interests outside of the practice of law that help keep them balanced or provide fulfillment. You were nominated by Court Administrator Teri Corsones for your big success with the Burlington Dancing With the Stars contest back in September. You’re a “star” as the longtime State’s Attorney for Grand Isle County. I want to hear all about that, but let’s start with your beginnings. Can you tell me about your origins? Where are you from?

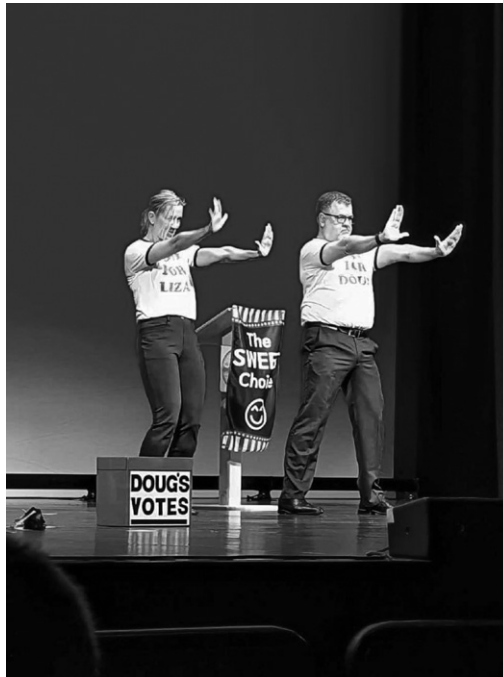
DD: First off, I want to sincerely thank Teri Corsones for nominating me. That was so kind of her. I grew up in Rutland, Vermont. I have one older brother. I attended Mount Saint Joseph Academy in Rutland, and later Castleton State College.

KSV: Did you have your sights set on being an attorney in your formative years? When did you get on that path?

DD: I had always wanted to be an attorney but started my work career in hospital-ity. It was not until I left Rutland in 1999 and moved to northern Vermont that I really became serious about pursuing law.

KSV: Your path to your law license was a little unconventional, wasn’t it? Can you tell me how you got to where you are?

DD: There is but one law school in Vermont—Vermont Law School in South Royalton. It was too far for me to attend, and as of 2002, I had a mortgage and could not afford a traditional law school. I was aware of Vermont’s Law Office Study (“LOS”) Program, but really wanted my Juris Doctor. I located Concord Law School—the nation’s very first



online law school. While it was not ABA accredited, it was recognized by the State of California, and allowed graduates to sit for the California Bar Exam. When I graduated with my JD in 2007, the Vermont Board of Bar Examiners allotted me 2 years credit towards the four-year LOS program. I then completed my remaining LOS under two separate Judges.

KSV: Tell me about how you made your way to the Islands.

DD: I moved to Burlington on November 30, 1999. On December 31, 1999 (Y2K) I met my now husband, David FitzGerald, who resided in Grand Isle County. I shortly moved there to be with him. We have been together 24 years, and he was a huge part of and sup-

porter of me obtaining my JD.

KSV: How long have you lived in Alburgh? What do you like about it?

DD: I have lived in Alburgh 23 years. The Islands are truly a special place. I cannot fathom living anywhere else in the State. The people here really look out for one another.

KSV: What made you decide to run for State’s Attorney?

DD: I worked at the Grand Isle County Courthouse from 2006 to 2012 and was very disappointed by how our then-State’s Attorney was not devoting the time I felt the job required. While the statute dictates that the State’s Attorneys of Grand Isle County and Essex County “shall not serve full time”, I sincerely felt that the job needed full-time attention. I promised I would do this job full-time, and I have continued to do so since becoming elected in 2014. While I could branch out and have a private practice on the side, I have not and will not—it was a campaign promise I made and I will continue to honor that promise.

KSV: Tell me about how you got involved in the Dancing with the Burlington Stars fundraiser.

DD: I was vaguely aware of this fundraiser but was shocked when I got the call that someone from the Islands submitted my name.

KSV: And you never did find out who nominated you?

DD: Yes.

KSV: But you’re glad that they did?

DD: Yes, absolutely.

KSV: Tell me about the event. What’s it about?

DD: It is an annual fundraiser for The Vermont Association for the Blind and Visually Impaired (“VABVI”). Local “celebrities” are paired with local professional dance instructors. It is a competition and held annually at The Flynn in Burlington.

KSV: How long has it been going on?

DD: Several years now, I believe.

KSV: Tell me about your fundraising methods for the event.

DD: I asked local businesses to support our team. I approached my local Credit

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Union, a car dealership where I recently purchased a new vehicle, and of course just folks I know who live in my community. Of course, I reached out to my fellow elected State's Attorneys. I also reached out to a local tavern who sells Vermont Lottery Pull-Tabs and they coordinated with VABVI to get the pull-tabs to sell. That raised over \$3,000 alone.

KSV: Were you surprised at how generous people were?

DD: Actually, not too surprised. Islanders are pretty supportive and generous of worthy causes.

KSV: It sounds like you took it all quite seriously. Are you a competitive person?

DD: Yes, absolutely.

KSV: Had you ever done any kind of dancing before?

DD: No.

KSV: Did you have any qualms about getting up in front of people and dancing?

DD: At first, I was a bit nervous. But then someone told me to "dance like nobody is watching," and that is what I did.

KSV: Tell me about your teacher and dance partner, Liza Mercy.

DD: A wonderful and kind person, with patience, talent, and a good sense of humor. She is top notch.

KSV: How did you and Liza prepare for the big night?

DD: Practice, practice, and practice.

KSV: What was the inspiration for the dance you made up?

DD: It was portrayed like a debate on the stage. She and I were debating. In the end, I win the debate.

KSV: Did you contribute at all to the choreography?

DD: I did but only one part—the voguing. That was my idea, and I knew the crowd would love it and how unique it is.

KSV: Did you enjoy your lessons with Liza?

DD: 100%!

KSV: Tell me about the actual event. It was at the Flynn, right?

DD: Yes. There ended up being five teams competing. All the teams performed wonderfully, and all the dances were unique.

KSV: Was there a big crowd? Anyone special in the audience?

DD: There was a huge crowd. And I say—everyone who attended was special and appreciated.

KSV: Who were some of the other competitors?

DD: Cat Viglizoni of WCAX was one. She performed a swing dance routine which was so much fun to watch.

KSV: I understand you and Liza swept the awards, to the extent there were awards. Tell me about that.

DD: There were three awards: (1) first place; (2) second place/runner up; and (3) fan favorite—which went to the team who raised the most money. The day of the event, after we completed our dress rehearsal, I went up and down Church Street to try and raise more funds. It worked. In the end, we won the "Fan Favorite" award, raising \$7449.80, and we won first place in the competition.

KSV: So, the million-dollar question, are you going to keep dancing or was this a one-shot deal?

DD: As the winners, we are expected to perform at next year's event with a new routine. Of course, we will make that happen. Also, Island Arts in Grand Isle County has asked us to perform our wining routine this Summer in North Hero.

KSV: Are you looking forward to performing it again?

DD: Yup.

KSV: What other things do you do to relax and have fun?

DD: I stay pretty busy with work. While statutorily it is a part time job, as I said, I devote full time to it. I also enjoy reading, cooking, and travelling when I can. As a new board member of the National District Attorneys' Association, I have been doing a lot of travelling. I am so proud to represent Vermont in that role.

KSV: If you're asked to do a new number next year, would you like to do that?

DD: Like I said, we are expected to do one, and we will.

KSV: Anything else you'd like to add about the experience?

DD: Just that it was one of the most enjoyable and fulfilling experiences of my life. I know that sounds cliché, but it is the absolute truth. I honestly didn't know going in if I could pull it off as an amateur dancer, but I did, thanks to Liza.

KSV: Congratulations Doug, to you and Liza, and thanks for sharing your story with the VBJ.

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

Seventh Annual Martin Luther King, Jr. Middle School Poster-Essay Contest

Each year, a committee comprised of representatives from the VBA staff, the VBA Diversity Section, and the VBA Young Lawyers Division, chooses a quotation by Dr. Martin Luther King, Jr. to inspire Vermont's middle school students to participate in a Poster-Essay Contest. This year's quotation came from Dr King's 1964 Nobel Peace Prize Acceptance Speech: "We have learned to fly the air like birds and swim the sea like fish, but we have not learned the simple art of living together as brothers."

After removing the names and identifying information from the entries, the judges choose a winner, a first runner-up, and

a second runner-up. The judges this year were again impressed with the varied and thoughtful responses of the contestants.

Many of the entries represented the "flying like birds" (airplanes) and swimming like fish (submarines or scuba divers). Others focused on MLK, Jr. himself, his history and some of the other things for which he was famous. The winners were distinguished by the obvious degree of effort the students had put into their posters and the essays.

In addition to being published in the Vermont Bar Journal and on the VBA website, the winning entries were displayed at the

VBA Young Lawyer's Division Mid-Winter Thaw in Montreal over the 2024 Martin Luther King, Jr. holiday weekend. They will next be displayed at the Vermont Supreme Court. In addition, the winners and their families will be invited to an award ceremony with Governor Scott followed by a meeting with Supreme Court justices. The date for the ceremony remains TBD at the time of publication, but the hope is to have it sometime this winter. All entries outside of the top three were awarded honorable mentions, all of which were well-deserved.

The VBA congratulates the winners and all the participants!



First Place Essay:
Ankita Dhungana and Aili Olson
Winooski Middle School (7th grade)

The quote this year is a very meaningful quote to us. To us, it means that we have learned how to do so much with technology but we have not yet learned how to live with people of difference races, nationalities and genders. We feel that that quote is especially true right now with all the wars going on in so many different countries. So for our project, we have chosen to present the "We have learned to fly the air like birds..." part of the quote by having hot air balloons and a plane in the sunset sky with the birds flying south for the winter. Then for the "... and swim the sea like fish..." part of the quote we made a boat catching a fish.

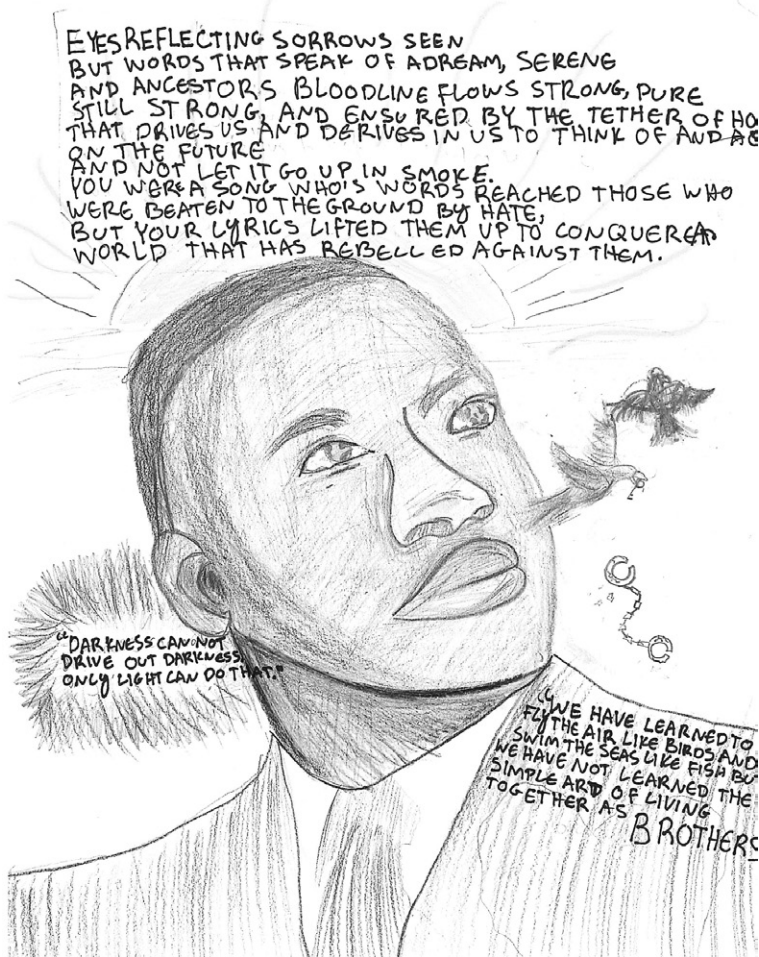
Finally for the "... and we have not learned the simple art of living together like brothers." part of the quote we have chosen to represent that by having two scuba divers from different countries and races helping each other. Because we hope that one day people of all races, genders, and sexualities can get along. We believe that everyone is equal no matter their race or how they identify. So let's start with Vermont. Let's repair the past and look to the future. Let's make everyone feel they're important and valued, because everyone is.

2024 Winners

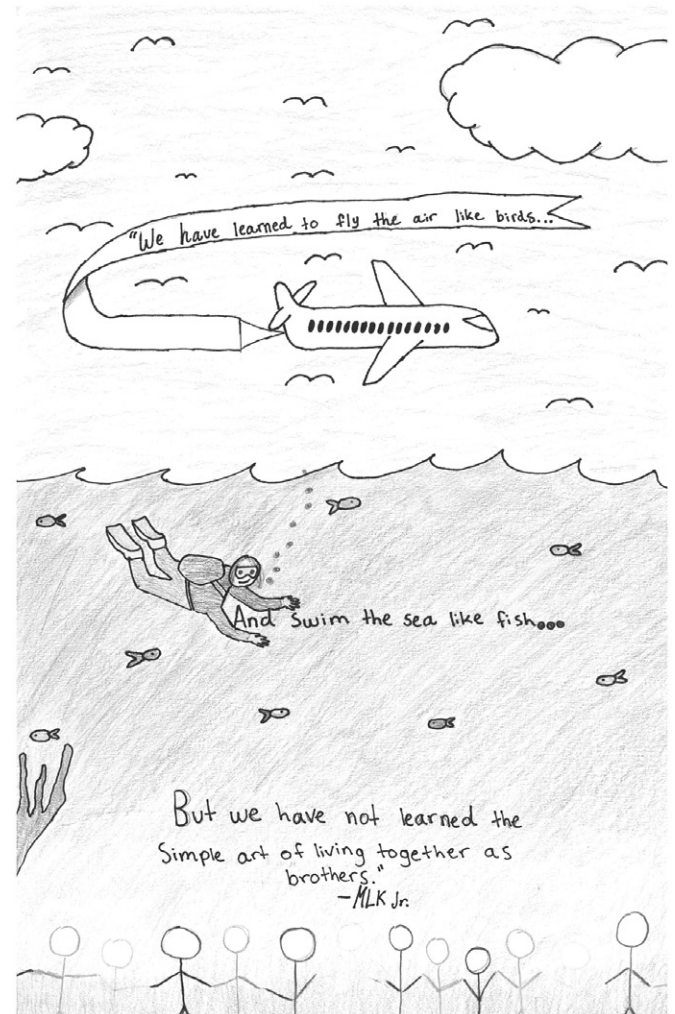
First Place: The top prize this year went to the team of Ankita Dungara and Aili Olson, 7th graders at Winooski Middle School. Their painting uses beautiful colors to visualize the quotation. The judges were also particularly impressed with their

essay. Not only do they succinctly describe the reasons for the images they chose, but they also demonstrate real insight into Dr. King's point – that humanity has developed amazing technologies, but we haven't mastered the basic skill of living side-by-side. They captured something of the hopefulness of Dr. King's life's work by represent-

ing the divers, of different races, joining hands. The judges were moved by the call in their essay to, "[s]tart with Vermont. Let's repair the past and look to the future. Let's make everyone feel important and valued, because everyone is." Their essay is printed in full on page 12.



First Runners-Up: The team of Astrid Longstreth and Riley Ayer, 8th graders at Camels Hump Middle School took the first runners-up prize. Their entry was a very accomplished and striking drawing of Dr. King. The judges were impressed with their decision not to try to literally depict the quotation, but to focus on the overall legacy of Dr. King. They also wrote an original poem that was thoughtful and moving. The poem not only contributed to the meaning of their poster but added a strong graphic element to the excellent overall composition. In their essay they described their thinking behind the images that they chose to represent Dr. King's legacy of love and hope in opposition to hate and injustice.



Second Runners-Up: The young team of Marissa Earle-Centers and Eliza Stanton, fifth graders at Main Street Middle School in Montpelier, took the second runners-up prize. Their cheerful poster also represented humanity's mastery of the sea and sky, with a plane towing a banner including "we have learned to fly the air like birds" and a scuba diver representing our ability to, "swim the sea like fishes." They also economically represented the hopeful aspect of a future where people of all descriptions might live "together as brothers" with a series of stick figures representing different races across the bottom of their image. The pair also produced a very sophisticated essay, noting that the quotation was, "laced with both metaphorical and literal meaning," and that they chose to take "the more literal approach to it" in their poster. They also clearly understood the metaphor at work, that humans have worked hard to achieve "seemingly impossible feats" but have, "put off the task of seeing past the color of people's skin and just living together in peace and harmony."



WHAT'S NEW

VBA Flood Victims Legal Help Project a Success

After devastating floods hit Vermont in early July last year, VBA members responded with a special project to assist victims of the devastation. Thirty-seven attorneys and one paralegal stepped up to help.

With a \$20,000 grant from the Vermont Bar Foundation—money left from the Bank of America Settlement Fund—the VBA's Flood Victims Low Bono Project was up and operating less than two weeks after the flooding—just as home and business owners started confronting legal obstacles in their recovery efforts.

To assist our lawyers, and through them the public, the VBA hosted two free CLE programs highlighting the basics of the FEMA and SBA disaster help programs. We captured recovery information, links and other training materials and posted

them as resources on the VBA's website.

Armed with this training and solid information, our low bono attorneys ultimately served 49 flood victims with triage, quick legal help, and more extensive representation. Attorneys were paid \$75 per hour for up to 5 hours per client, but many did the work pro bono and for far more than 5 hours.

Common legal issues included FEMA appeals, insurance claims for loss of personal property and damage to real estate, mobile home loses, landlord/tenant issues, damage to public and private roads and bridges serving homes and businesses, dealing with repair contractors, and much more.

With our legal services partners, we updated the Volunteer Lawyer Disaster Legal

Assistance Services Manual which debuted following Tropical Storm Irene. This manual remains as a permanent publication on the VBA website in case of future need.

The need for quick legal guidance for flood victims is over and the VBA is wrapping up its Flood Victim Low Bono Project. But help is still available for victims of disaster through Legal Services Vermont and Vermont Legal Aid at www.vtlawhelp.org and by calling 1-800-889-2047.

Thanks to all who so willingly and capably helped our Vermont neighbors in need.

Mary Ashcroft, Esq. is the Legal Access Coordinator for the Vermont Bar Association.



Board Elections to be held at Mid-Year Meeting on March 29

The next in-person meeting of the Vermont Bar Association will take place on March 29 at the Hilton Lake Champlain in Burlington. Save the date. Registration details will be coming soon.

At lunch we will hold our business meeting, which will include elections for various board of managers' positions. The slate of candidates was determined by the nominating committee of the board in December.

It is as follows:

ABA Association Delegate - Elizabeth Kruska

VBA President-Elect - Richard Cassidy

VBA Treasurer - Matthew Valerio

VBA Secretary - Ted Tyler

There are three open board seats, and these will be contested elections:

Alfonso Villegas vs. Keith Roberts

Linda Coulombe vs. Lisa Campion

Kate Lamson vs. James Rodgers

Make your plans to attend. Candidates for contested board seats will be able to briefly address the association during the business meeting. Watch the VBA website for more information about the candidates in the weeks ahead.

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BE WELL

Support your Brain (and Overall Well-Being) during the Winter Months

It started with rain in December, but we are now well into winter in Vermont. Winter has been scientifically proven to change your brain.¹ As we shift into the winter months, our brains must react to new stressors: less sunlight, shorter days, harsh weather, and extensive changes in our normal routines. When our brains are altered in this way, it also shifts our overall mood and ability to perform complex legal tasks. When we combine these seasonal stresses with the added stress of holidays, it can lead to “Seasonal Affective Disorder” or SAD. This article will outline how SAD affects our brains and what we can do to support our brains and overall wellbeing to mitigate any negative effects during the winter.

SAD affects all of us to varying degrees. We all have different seasonal triggers. (I was triggered by the rainy start to winter back in December). Essentially, when natural sunlight drops and our general routines are altered, our bodies produce less of the mood-regulating hormone serotonin. Serotonin is a natural hormone that lowers or can even prevent feelings of depression. When our serotonin levels are lowered, our brain metabolizes the available serotonin at a faster rate. This leads to an imbalance of chemicals within the brain and may make it harder to regulate or balance our emotions. The result? More emotional reactivity and thereby higher levels of anxiety and feelings of depression. Additional key symptoms of SAD include sleep problems, lethargy, overeating, and generally feeling down and unsociable. These symptoms occur for all of us but can even more drastically affect those with brain or mood-related conditions.

As attorneys, lowered levels of serotonin can negatively influence our ability to complete complex or challenging tasks, which is most of what we do in our daily legal lives! Essentially, our brains either have different resources available during the different seasons to balance our moods, or they have to use different methods to complete the same task in the different seasons.

This is where self-awareness about seasonal effects on your brain and body can help. Here are a few ways to manage the effects of SAD this Winter:

Diet directly influences brain health. “The brain represents about 2% of our body weight, but it consumes about 20% of all of our calories...[essentially] the brain uses more calories than any other organ in our body.”² Thus, the brain needs adequate nutrition to function and ensure a vibrant,

sharp and youthful mind, so bring some awareness of the right foods to nurture and support your brain. Some suggestions:

- Avocados have healthy monounsaturated fats, which provide excellent energy for the brain, and avoid the problems associated with simple carbohydrates or saturated fats.
- Green leafy vegetables, such as kale, spinach, collards, and broccoli are rich in brain-healthy nutrients like vitamin K, lutein, folate, and beta carotene. They promote healthy brain function by reducing inflammation and also improve cognitive performance. Magnesium is another important mineral in leafy greens. It helps relax the body by lowering blood pressure and the effects of stress. Specifically, broccoli is a cruciferous vegetable that contains antioxidant compounds that have been linked to reduced inflammation, which protects the nervous system and reduces the burden of pervasive diseases on the body, and improved brain health.
- Fatty fish, such as salmon, cod, canned light tuna, and pollack, are abundant sources of omega-3 fatty acids. These healthy unsaturated fats have been linked to improved memory, mood regulation, and reduced risk of cognitive decline due to their ability to lower levels of a protein that forms damaging clumps in the brains of people with Alzheimer’s disease. Furthermore, tuna contains the amino acid tyrosine, which helps create two of the main neurotransmitters in the brain: dopamine and norepinephrine. Tuna also contains high concentrations of creatine, which facilitates the entry of water into the brain and muscle cells to prevent dehydration.
- Vitamin B12 can be found in foods such as meat, fish, cheese, and eggs.
- Take a daily Vitamin D supplement.
- Flavonoids, the pigments that give berries their brilliant colors, also help improve memory. Specifically, the flavonoids in blueberries are neuroprotective and have been shown to increase neuroplasticity and cerebral blood flow. Blueberries can help protect the brain from oxidative stress and inflammation, so try to eat some daily!
- Coffee and tea have been shown to improve overall mental function.
- Nuts have protein and healthy fats, especially walnuts. They can also help im-

prove memory.

- Egg yolks contain choline, which is an essential nutrient that produces acetylcholine, which “is a neurotransmitter that is very important for the parasympathetic nervous system, and important for memory.”³
- Turmeric spice contains curcumin, which has multiple mechanisms to support brain health due to its anti-inflammatory effects.
- Ginger is another spice, which has potent anti-inflammatory effects shown to enhance cognitive function. It also protects the neurons of the brain against oxidative stress that underpin various neurodegenerative diseases, which break down the brain’s functioning.
- Ginkgo biloba enhances memory and cognitive function as it improves blood flow to the brain. It also protects brain cells from oxidative damage.
- Fermented foods, such as kimchi, kefir, kombucha, sauerkraut and yogurt may be beneficial to the brain because the brain and the digestive system communicate through both the nervous and the immune systems. Improving the bacteria in the gut plays a role in improving brain functioning.

You can also modify your behavior to counteract SAD. Some suggestions include:

- Stick to a good sleep routine. Have a goal of sleeping seven to eight hours every night - of good quality sleep. Poor sleep has been linked to rapid reductions in brain volume. Additionally, poor sleep causes protein buildup in the brain that attacks brain cells, which can lead to dementia and Alzheimer’s.
- Stay active, especially in the morning and/or outdoors, if possible. Moving your body for at least 15 minutes in the morning can enable better choices throughout the day. Research has shown that a daily one-hour walk in the middle of the day can be as helpful as light treatment.⁴ Any form of exercise or movement can help rewire the brain in the following ways: (1) It helps memory, motor skills, and the ability to learn; (2) Movement pumps more oxygen to the brain and helps release hormones that nourish growth of brain cells; and (3) Regular movement of moderate intensity increases the volume of some regions of the brain.
- Light therapy can be highly effective for

seasonal depression. Light therapy is where a light box is used first thing in the morning to stimulate sunlight.

- Keep warm with hot drinks and hot food. Wear warm clothes and shoes and aim to keep your living environment between 64- and 70-degrees F.
- Keep your mind active. Take up a new interest or hobby or set yourself a challenge to learn something. The critical aspect is to have something to look forward to and concentrate on. Do something every day that stretches you and takes you a bit out of your comfort zone.
- Socializing is extremely beneficial for our mental health. Keep in touch with people you care about. Say yes to invitations to social events.

Additionally, practicing mindfulness improves your overall self-awareness. It can help you identify when you are feeling the "winter blues," which enables you to take action to improve your overall wellbeing. Mindful practices can also support the brain to release more "happy chemicals." These include calming and relaxing hormones and neurotransmitters, such as serotonin (discussed above), but also dopamine, which plays a role in pleasure and reward behavior, endorphins, which possess morphine-like effects and blocks pain, and oxytocin, which promotes feelings of love, trust, and connection. The combination of these happy chemicals also reduces the levels of stress hormones, decreases reactivity, and relieves symptoms of anxiety, depression, and insomnia.

Mindfulness practices also shrink the Amygdala (the part of the brain responsible for the sympathetic/stress reaction), which leads to being able to do more in less time. The volume of gray matter in the brain is increased, which improves short-term memory. With increased respiration and better air intake, the brain can now engage in complex cognition and thinking. Overall, the brain can now operate at its peak because it is both relaxed and alert.

Mindfulness is becoming a global phenomenon for a good reason. Just learning how to be present throughout your day, become more conscious of life as it happens, and noticing any tension or preoccupations of the mind without judging or analyzing improves your mental health and combats the effects of seasonal stress. Overall, practicing mindfulness in a consistent manner can "PERMANENTLY REWIRE" your brain to raise levels of happiness. And who doesn't need that as we enter 2024?

Here are some mindfulness breathing practices that you can use this winter:

- 4-7-8 Pranayama Method (complete at least 4 full cycles, but I like to complete 12 full cycles for a more profound ef-

fect)

- Inhale through nostrils steady for 4 counts;
- Hold breath for 7 counts;
- Exhale out mouth steady for 8 counts.
- Pause. Notice effects.
- Lengthening Exhale Breath Practice (complete for 3-5 mins)
 - 4 count Inhale
 - 4 count HOLD
 - 8 count Exhale
 - Pause. Notice effects.

Stay happy and healthy this winter and join me in 2024 through mindful sessions and CLEs and presentations at various legal events and conferences with the Vermont Bar Association. If you are ready to improve your overall wellbeing and need someone to help support you, please contact Samara Anderson at thehappyhumanprojects@yahoo.com to discuss opportunities to incorporate mindfulness and wellness into your stressful lives as attorneys through private group workshops, courses or 1:1 coaching.

Ending Mindfulness Quotation by Eckhart Tolle: "Rather than being your thoughts and emotions, be the awareness behind them. Take a moment of stillness and allow this moment to be without imposing thought. This way we become aware of the space, rather than the content."



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Samara D. Anderson, Esq. is a Technical Regulatory Compliance Advisor for the Department of Children and Families, a Registered 200-hour Yoga Medicine™ Yoga Teacher (completing her 500-hour certification), a Mindfulness Based Stress Reduction (MBSR) Teacher-in-Training, and a social entrepreneur teaching mindfulness to stressed professionals while creating a non-profit community farm in Vermont to use therapeutic animals, nature, and mindfulness to heal people. She also co-chairs the VBA Lawyer Well-Being Section.

¹ Rachel Moss, [Neuroscientist Reveals How Brain Changes in Winter – And it Explains a Lot](https://www.huffpost.com/entry/neuroscientist-explains-how-your-brain-changes-in-winter_uk_63889380e4b0d174095f3539), Huff Post (Dec. 22, 2022) https://www.huffpost.com/entry/neuroscientist-explains-how-your-brain-changes-in-winter_uk_63889380e4b0d174095f3539

² 11 Foods Experts Say Can Boost Your Brain Health and Help Ward Off Dementia, Huff Post (Dec. 19, 2023), available at https://www.huffpost.com/entry/best-foods-for-brain-health_1_65788abfe4b0881b791896e6

³ Id.

⁴ Health Scotland, [Do You Have the Winter Blues?](https://www.nhs.uk/health/scotland/healthy-living/mental-wellbeing/low-mood-and-depression/do-you-have-the-winter-blues/#:~:text=Get%20more%20light%20for%20SAD,a%20window%20can%20also%20help.) (Jan. 4, 2023) <https://www.nhs.uk/health/scotland/healthy-living/mental-wellbeing/low-mood-and-depression/do-you-have-the-winter-blues/#:~:text=Get%20more%20light%20for%20SAD,a%20window%20can%20also%20help.>



Legal Work Is Trauma Work

They told me I would be impacted, but they didn't tell me what to do...

We are Impacted People Caring for Impacted People

If you work a typical 40-hour week, you will spend roughly 2000 hours at work this year. Many attorneys will work even more. You may leave work tired and depleted, and head directly into the 'second shift' of your personal life. Time for grocery shopping, running errands, picking up the kids, making dinner, and maybe squeezing in a shower before heading to bed and tackling it all over again the next day.

Whatever the particulars of your workweek, many working people exhaust a large percentage of their temporal, emotional, and cognitive resources at work. It is not news at this point that Americans are suffering from high levels of workplace stress and burnout. This is especially true for those who also hold marginalized identities and are vulnerable to structural and intersectional oppression.^{1,2,3} However, there is also a distinct toll that working in fields that support individuals experiencing trauma takes on professionals such as lawyers, medical professionals, first responders, and social workers. While there are many terms used to describe this toll, like secondary or vicarious trauma, I prefer to use the term, "Trauma Exposure Response," coined by Laura van Dernoot Lipsky.⁴ In our 2021 podcast on Trauma Stewardship, van Dernoot Lipsky explained that she uses this term because it is clear and straightforward; there was trauma, you were exposed, and now there is a response.⁵

Trauma Exposure Response is defined by van Dernoot Lipsky as "the transformation that takes place within us as a result of exposure to the suffering of other living beings or the planet." It includes signs and symptoms including:

- Grandiosity,
- Strained relationships,
- Chronic exhaustion
- Guilt
- A sense of hopelessness
- Hypervigilance
- Anger and cynicism
- Physical ailments and symptoms (headaches, trouble sleeping, etc.) &
- Numbing and addictions.⁶

Compared to other professions, attorneys and legal staff are uniquely at risk for trauma exposure response.^{7,8} And while attorneys are increasingly being warned

about trauma exposure response, indeed most of attorneys I work with were warned as early as law school, there is seldom a solution focused discussion about what to do to prevent or heal this exposure. Attorneys are told that they are at increased risk of substance use disorder, increased rates of mental health diagnoses such as anxiety and depression, and even increased rates of suicidality. Most have been on the receiving end of some version of a 'Watch out! This is out there' kind of speech, either in law school or during a wellness CLE. However, there is a notable gap when it comes to discussing concrete strategies and steps that can be taken to address trauma exposure response.

Legal Work is Trauma Work

Attorneys, judges, and legal support staff are all engaged in work that regularly brings them in contact with the deepest forms of human suffering. In short, *legal work is trauma work*. One thing we say in social work is: "we are impacted people who are trying to help impacted people," and this is true in the legal profession too! Legal professionals must stop merely warning each other about trauma exposure at work and begin implementing trauma-informed lawyering strategies for clients and legal professionals alike.

Trauma-informed strategies can take many shapes in legal workplaces and should focus on mitigating traumatic experiences for *both* the client and the professional.⁹ While there is a growing body of quality resources that aim to support trauma-informed lawyering there is still a lack of discussion of strategies that professionals can use to address their own impact.¹⁰

Many of the strategies that are offered center the concept of 'Self-Care.' Attorneys are told to practice self-care and prioritize their own wellbeing. While Self-Care is an essential strategy to support individual wellbeing, it is not up to the task of mitigating all workplace trauma exposure, especially at team and organizational levels. Attorneys and legal professionals can be left feeling like, not only are they impacted by their work, but now they failed at their own self-care as well. For many folks that I work with, the term self-care is now received less like a suggestion and increasingly more like an insult.

Why Doesn't Self-Care (Alone) Work?

1. One must first recognize when and how to care for self in order for it to be effective. Yet attorneys and legal professionals have not been trained to identify or respond to traumatic stress. Furthermore, legal environments rarely have social work and mental health style supervision structures to support individual assessment of worker functioning. In brief, many legal professionals are exposed to human suffering and trauma work in workplace settings that do not have the same safeguards you would find in a social work or mental health organization.
2. Legal workplace settings and office culture may not support the type of 'self-care' that is really needed. There may also be a culture of overworking and high caseloads that discourages stress recognition. Can you take time off when you need it without penalty? Is it ok to talk about how your caseload is impacting you? Can you and your coworkers share vulnerably with each other about workplace stress?
3. There is not enough self-care to protect against all the suffering some helpers see. Bea Bischoff said it best when she said, "[A]ll the self-care in the world won't change the fact that I work in a place and within a system in which asylum cases are granted only around three percent of the time. The odds are always against my clients, and that is the root of the problem. It is hard to experience the relaxation promised by a lavender pillow mist when your clients are trapped in detention centers without access to proper hygiene or food."¹¹
4. And, relatedly, most of us do not have the scope of influence or the power to meaningfully mitigate the stressors that are impacting us. A 'Self-Care' model puts the onus on the individual to address structural problems of oppression and exonerates our broken social systems. Or as Dr. Pooja Lakshmin says, "The game is rigged and you're not the problem."¹²

What Can be Done Instead?

1. First and foremost – **borrow from other professions!** There are adjacent

professions, including social work, that have been doing work on trauma exposure response and workforce well-being through a social justice lens for decades. There are a number of social workers like me who work with legal professionals to support trauma informed practices and collective care models.¹³ We will tell you that you do not have to become a mental health professional to utilize trauma-informed techniques, and you will be surprised by how impactful they can be.

2. Stop using a model that focuses solely on self-care and **begin cultivating a collective or community care model.**¹⁴ While self-care must be the foundation, you cannot do this alone, and you shouldn't have to. Identify willing colleagues and leverage the power of your team, your organization, and even your community. So many professionals suffer workplace stress in isolation when we could be strategizing together. Are you a solo practitioner? Find a peer supervision group and feel free to go back to number one and find a social worker to walk you through how to do that.
3. Lean into collective care by **talking about workplace stress at work.** Identify common themes and low hanging fruit. What is stressful for the attorneys? Paralegals? Support staff? What could be changed to make a difference?
4. **Learn more about Trauma-Informed Lawyering** in general. You cannot tend to your clients without tending to yourself and part of tending to yourself is in tending to your clients as well. Maybe everyone in your office or firm is wondering about how to do grounding techniques with clients and that is an easy place to start?

In closing, people are doing however they are doing, whether you ask them or not. We can continue to be impacted by our work in isolation and suffer mental, spiritual, relational, and physical challenges as a result. Or we can explore new and collective ways of talking about, surfacing, and solving for our exposures.

Want to learn more? Cassie will be presenting on **Leveraging Collective Care & Social Work Strategies to Address Workplace Trauma & Stress** at the VBA midyear meeting in Burlington on March 29, 2024. Save the date.

Cassie Gillespie is a Licensed Independent Clinical Social Worker with more than 15 years of experience serving children, youth, families, and helping-professionals. After spending many years in direct service roles, Cassie pivoted to supporting so-

cial workers in addressing the impact their work has on them. Cassie provides training, coaching, and consultation to individuals and organizations experiencing chronic workplace stress and workplace trauma. Cassie is also a full-time faculty member in the University of Vermont's Social Work Department, and the host of the SOCIAL WORK LENS podcast. She lives with her family in Underhill, Vermont. Find Cassie and the VT- CWTP crew on their podcast: [The Social Work Lens](#).

¹ Morgan Smith, *Burnout is on the rise worldwide - and GEN Z, young millennials and women are the most stressed* CNBC (2023), <https://www.cnbc.com/2023/03/14/burnout-is-on-the-rise-gen-z-millennials-and-women-are-the-most-stressed.html>

² Cullen, P., Dawson, M., Price, J. et al. Intersectionality and Invisible Victims: Reflections on Data Challenges and Vicarious Trauma in Femicide, Family and Intimate Partner Homicide Research. *J Fam Viol* 36, 619–628 (2021).

³ Shobana Powell, *Vicarious Trauma, Vicarious Resilience, & Systemic Oppression: The Responsibility of Organizations & Movements to Trauma Workers*, Medium, July (2021) <https://shobanapowell.medium.com/vicarious-trauma-vicarious-resilience-systemic-oppression-the-responsibility-of-organizations-ab6e0102cee1>

⁴ Laura van Dernoot Lipsky & Burk, C. (2009). *Trauma stewardship: an everyday guide to caring for self while caring for others*. San Francisco: Berrett-Koehler Publishers.

⁵ Cassie Gillespie, *Trauma Stewardship with Laura van Dernoot Lipsky*, The Social Work Lens Podcast, July (2021), <https://vermontcwtp.org/trauma-stewardship-with-laura-van-dernoot-lipsky/>

⁶ Supra note 2.

⁷ Barbara Glesner Fines & Catherine A. Madson, *Caring Too Little, Caring Too Much: Competence and the Family Law Attorney*, 75 UMKC L. Rev. 965, 992.

⁸ Sarah Katz, *We Need to Talk About Trauma: Integrating Trauma-Informed Practice into the Family Law Classroom* (October 20, 2022), 60 Family Court Review 4 (2022), Temple University Legal Studies Research Paper Forthcoming, Available at SSRN: <https://ssrn.com/abstract=4254083>

⁹ Sandra L. Bloom, *THE SANCTUARY MODEL OF TRAUMA-INFORMED ORGANIZATIONAL CHANGE 12* (The National Abandoned Infants Assistance Resource Center 2007).

¹⁰ See Katz supra note 6 and Sarah Katz & Deeya Halder, *The Pedagogy of Trauma-Informed Lawyering*, 22 CLINICAL L. REV. 359 (2016). For a detailed exploration of trauma informed lawyering.

¹¹ Bea Bischoff, *I'm An Immigration Attorney In Trump's America And The Stress Took Over My Life*. (2019) Huff Post. https://www.huffpost.com/entry/immigration-attorney-compassion-fatigue_n_5c33a4fde4b01b7197a2dcb3

¹² Pooja Lakshmin, *Real Self- Care*. (2023), USA, Viking Press.

¹³ Anna River Rodgers & Cassie Gillespie, *One Firm's Journey to Address Trauma Exposure and Chronic Stress in the Workplace*, ABA Journal Wellness Edition, May 2023, AILA DOC # 23111732. (Posted 11.17. 2023)

¹⁴ See Heather Dockery, *Self-Care isn't Enough- We need Community Care to Thrive*, (2019) Mashable <https://mashable.com/article/community-care-versus-self-care> in which Nakita Valerio defines collective care as "People committed to leveraging their privilege to be there for one another in various ways."

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Conflict Management: How Collaborative Divorce Skills Might Help

Conflict exists. How we choose to approach and manage it is up to us. Collaborative Divorce provides some basic skills and attitudes to help us approach intense family conflict at the time of separation or divorce. This article discusses the nature of conflict from a Collaborative Divorce lawyer's perspective. It also demonstrates how the interdisciplinary collaborative team members help clients manage intense interpersonal conflict dynamics.

Collaborative Divorce is an option along the continuum of the four ways to divorce: kitchen table, mediation, Collaborative Divorce, and litigation. Collaborative Divorce is like mediation, on steroids. It is both a process and a mindset. It follows a scripted roadmap for managing interpersonal conflict while at the same time, moving a divorce process forward.

The clients agree in advance not to litigate, or even threaten to litigate. The expectation is that the couple will work to improve their communication, compassion, and empathy skills so that they do not hate each other for the rest of their lives, and at the same time, they will attend to the necessities of creating durable, final settlement agreements. The result is a wholly uncontested divorce. Clients and team members feel proud of the way we all managed the myriad emotions and conflicts that arise during any separation or divorce. We are often quite confident that the couple set the best example they could for their children, friends, and community about how to handle adversity and conflict with some degree of grace and dignity. In essence, how to be a family, in two homes.

According to thought-leaders in adult development, executive leadership, complexity theory, and organizational development,

we live in a time of volatility, uncertainty, complexity, and ambiguity. A divorce is just like that from the clients' perspective. These four words: "I want a divorce" lays down a gauntlet. It is often perceived by the recipient spouse as a threat to their identity and everything they hold dear. It often feels like a personal attack on who they are as a human being. It frequently brings up family of origin issues related to attachment, abandonment, self-esteem, and trauma. We should never underestimate the impact of rejection on the human spirit.¹ Or, for that matter, the myriad ways trauma (personal, ancestral, and collective) shows up in interpersonal relationships and conflict.² It is very difficult for clients to make rational decisions about their relationship with their spouse and children, as well as their future financial security when they are heartbroken and feeling attacked.

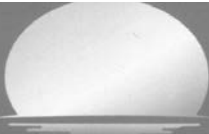
Divorce, like other stressful life events, triggers a common physiological reaction.

Evolution has given us our sympathetic nervous system to protect us from external threats.³ We are neurobiologically driven to fight or flee not only from attacks on our physical bodies, but also from perceived threats to our identities and to our core values. When we are triggered, it is as if our amygdala has been hijacked. We are flooded with cortisol and adrenaline that makes us ready to fight or run. We can't help that initial, involuntary response, but we can manage it, first for ourselves, and then for our clients. That is what our parasympathetic nervous system is designed to do—bring us back to rest. We can do this at any time, simply by taking a few deep breaths, or focusing on a soothing word or image. Then, we will be able to objectively analyze the circumstances and respond in an appropriate way. Feelings are not facts. A client may

feel threatened, but there is no threat, just an assertion of a preference, for example. The same is true for us as lawyers. We may feel attacked by "opposing counsel" when they disagree with our perspective, or they do not appear to be listening, or even curious about our perspective. Our stress response will get activated. It is up to us to notice when this happens, and then calm ourselves down.

Collaborative Divorce lawyers, through training and practice, strive to make an extra effort to show up to our cases with humility, curiosity, and some insight, not only into us, but also into the dynamic of the spouses before us. We all have different ways to approach conflict, given our personalities, family of origins, and our ancestral lineage. Managing conflict requires a calm, skillful person to hold the space for strong emotions, and be able to ask "curious" questions to disrupt the conflict loop.⁴ The conflict loop can be summarized as feeling attacked, and then lashing out to defend oneself, only to have the other person find new ways to attack, requiring a new counterattack, and so on. That cycle could continue, ad nauseum, unless it is effectively interrupted. Conflict and curiosity cannot exist in the mind at the same time. So next time you find yourself in a conflict loop, try asking a curious question, such as, "What do you hope will be better if..." or, "What concerns you most about that proposal?" or even, "Tell me more about..." Effective communication is less about what you say, and more about listening to understand, not to prove a point, or a defend a position.⁵

We see conflict loops in our homes, in our firms, in court, in our local communities, on social media, across the country and the world. A position is taken, and a reaction follows. Yet, we seem reluctant to engage in a meaningful conversation about what matters most to us, as human beings. Collaborative Divorce creates an opportunity to hold a meaningful conversation between a divorcing couple, in a different way, that allows them time to grieve the many losses associated with the ending of their marriage.⁶ Practicing it requires a level of vulnerability (as in, holding at least the possibility that you may not be right), a little insight/humility and fundamentally, a recognition of our common humanity. It also requires specialized training, especially for lawyers, as this way of thinking is not what we have been taught, either in law school, or practice. It is



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considered a “paradigm shift” for lawyers. There are two-day basic training courses offered throughout the year by the International Academy of Collaborative Professionals.


Collaborative Divorce offers an opportunity and an antidote to the conditions that naturally make clients want to fight. Collaborative practice offers a safe container for clients to grieve their losses and move forward with the legal, emotional, and financial aspects of their divorce. It is private, confidential, cost effective and offers a high degree of control to the client.

What is a Collaborative Divorce? In general, it is a voluntary, confidential, out-of-court, interdisciplinary form of dispute resolution. It is characterized by the presence of a Participation Agreement that outlines the rights, responsibilities and expectations of the parties and the team of collaborative professionals while engaged in the process. It is a model based upon transparency. There is an expectation of voluntary disclosure and the utmost good faith in negotiations. Joint experts, such as appraisers, for real estate or a business may be retained, so there are no “battles of the experts.” If the process terminates before an uncontested divorce is filed with the court, then the lawyers must withdraw from further representation and the clients must retain litigation counsel. The other neutrals also withdraw from any further engagement with the couple. Anecdotally, 98% of litigated divorce cases settle. The same is true in the Collaborative model. Some cases need to be decided by a judge, especially when safety is at risk, but many clients could benefit from a Collaborative Divorce and would choose it, if given objective information about it.

The Origins of Collaborative Divorce. The concept was first developed around 30 years ago in Minnesota by two lawyers who were convinced that there must be a better way to help people get divorced, other than going to court.⁷ Over the years, the practice expanded to an interdisciplinary model that brings together lawyers, mental health professionals, and financial neutrals to address the complex emotional, financial, and legal issues that many divorces present.⁸

In 2009, the International Academy of Collaborative Professionals (IACP)⁹ created an umbrella organization for best practices, trainings, ethics, and networking. Across the country, Interdisciplinary Collaborative Practice groups started to form, and the model became an accepted and well-respected conflict resolution model, most applicable in the divorce context, but available in other contexts as well, such as guardianship, estate law, or disputes where the on-going relationship matters. In 2023, the IACP was nominated for a Nobel Peace Prize.¹⁰

In 2010, with the support of the Vermont Bar Association Board of Managers, with the


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early leadership of Rich Cassidy, the ABA Section of Dispute Resolution, Section of Family Law and Section of Individual Rights and Responsibilities, along with various state Bar Associations, the Uniform Collaborative Law Act was drafted and approved (UCLA). The drafters said:

The collaborative law process provides lawyers and clients with an important, useful, and cost-effective option for amicable, non-adversarial dispute resolution. Like mediation, it promotes problem-solving and permits solutions not possible in litigation or arbitration. Collaborative law is a voluntary process in which clients and their lawyers agree that the lawyers will represent the clients solely for the purposes of settlement, and that the clients will hire new counsel if the case does not settle. The parties and their lawyers work together to find an equitable resolution of the dispute at hand, retaining experts as needed. No one is required to participate, and the parties are free to terminate the process at any time. To this end, the UCLR/A includes explicit informed-consent requirements for parties to enter collaborative law with an understanding of the costs and benefits of participation. The process is intended to promote full and open disclosure of information; information that is disclosed in a collaborative process, which is not otherwise discoverable, is privileged against use in any subsequent litigation.¹¹

As of this writing, a Uniform Collaborative Law Act has been passed in 23 states, and legislation is pending in four states.¹² A Uniform Collaborative Law Act can be enacted by legislation, court rule or a combination of the two. It has not yet been enacted in Vermont. Anyone interested in taking up that cause can reach out to me, and your support would be gratefully appreciated. Historically, the number of family law attorneys in Vermont who practice Collaborative Divorce has been small, and the effort to pass a UCLA here seemed unwarranted. Perhaps

that will change as more attorneys embrace the practice.

What is fundamentally different about practicing Collaborative Divorce is that the lawyers do not view each other as adversaries, or “opposing parties.” Rather, we work together in a respectful manner, as part of an interdisciplinary team, to allow our clients the chance to leave their marriage as effective co-parents, and possibly even friends. It creates an opportunity for divorcing clients to demonstrate for their children and communities how to manage conflict with dignity and mutual respect. It is peacebuilding work, one family at a time.

The Collaborative team is the container of the conflict between the couple.

What is everyone’s role?

The Lawyers. Collaborative lawyers have received advanced training in Collaborative divorce, and advanced mediation skills. The attorney-client relationship is intact, and lawyers are advocates, without becoming bullies, or over-identifying with their client. The lawyer is there to advocate, guide, analyze data, and be part of the process of generating ideas that will work for the client as well as their spouse. The lawyers respect each other, trust each other, and know that together, we are part of this family’s successful transition into two homes. The lawyers do not take advantage of mistakes and each client knows that they are safe, and their spouse’s lawyer will respect them and their needs. It is a satisfying way to practice family law.

The Neutral Mental Health Professional (Coach). The mental health coach on a Collaborative Divorce team is a highly skilled mental health professional. They all have advanced degrees in psychology, family systems, grief, divorce, and child development. They have received advanced Collaborative Divorce training, as well as mediation training. Their role is to normalize all of the intense emotions the clients are experiencing, and they create safe opportunities to practice new communication skills. Often, people do not feel heard by their spouse, or

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they are afraid to say what they really need/want. The coach will work with the couple so they can manage their feelings in a productive way.

In the Collaborative process, the mental health coach is not providing therapy, and is not offering clinical diagnoses. They are not billing insurance. They also provide the critical initial screening/assessment of each client so that the team is aware of how the divorce may be triggering underlying family of origin issues, trust, abandonment, abuse or trauma, mental health issues, domestic violence or addiction. With full disclosures up front, the team can assess whether the case is appropriate for the Collaborative process. General deal breakers include active domestic violence, untreated significant mental health issues, as well as serious personality disorders. No one wants to start a Collaborative case, if we don't all believe, in good faith, we can finish it.

The Neutral Financial. This professional team member is here to gather financial data, organize it and share it with the team. They are often CPA's, CFA's, CDFA's, or some other highly qualified financial advisor. They are not selling products or financial planning services in their role on a Collaborative team. They are also trained in advanced mediation and Collaborative Divorce.

The financial neutral helps the clients identify their financial needs, and concerns.

They prepare budgets and have professional insights into the impact of various property settlement and support proposals, in terms of retirement or tax consequences. They work with each client as needed, understanding that in every marriage, there is a division of labor. Often one client is more financially literate than the other. We know this in advance, and we work to bring the less sophisticated client up to speed, so that they can make an informed decision. By the time the clients are both psychologically ready to be divorced, they also understand their own financial realities. They are then able to generate options that work for each client and their family.

What is the benefit of a team? I view divorce as 80% emotional, 10% legal, and 10% financial. Since all divorces involve legal, emotional, and financial considerations, the client is better served because they meet with the correct professional when they need them most. At the beginning of a divorce, when emotional issues of anxiety, fear, betrayal, infidelity, etc. are the most acute, the clients spend more time with the neutral coach (and their own mental health professional, outside of this process). The lawyer doesn't need to be involved in those conversations, but the coach will inform the lawyers about how the clients are progressing, or if they are stuck, in which case, the lawyers can follow up with their client to counsel the client through the issue. The coach can work on a new narrative for the couple that they can share with their children, family, and friends. The team normalizes the divorce process, which allows the clients some space and grace to heal from their emotional wounds and not feel like failures simply because their marriage is ending. While they are healing, and grieving their losses,¹³ they are also becoming ready to understand and take responsibility for how they are going to relate to each other in front of their children, what they want for their own best future, as individuals and as families in two homes, and how to understand and manage their own future financial realities.

Collaborative divorce is a process option that needs to be discussed with all potential divorce clients. Lawyers who practice family law should receive at least the basic two-day training and be familiar with the practice so that they can offer their clients the full panoply of options.¹⁴ While not every lawyer will be inclined to practice Collaborative Divorce, and not every divorcing couple will choose it, every divorcing person in Vermont should know that it is an option. Appropriate professional referrals can be made, just as Collaborative divorce attorneys make referrals to litigation counsel, when appropriate. The skills training for a collaborative divorce may help resolve other conflicts as well.

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¹ See, generally the work of Ronald P. Rohner, Professor Emeritus, Human Development & Family Sciences and Anthropology, Center for the Study of Interpersonal Acceptance and Rejection, University of Connecticut. <https://csiar.uconn.edu/bibliography/>

² Thomas Hubl, *Healing Collective Trauma, A Process for Integrating Our Intergenerational and Cultural Wounds*, Sounds True, 2020

³ <https://www.health.harvard.edu/staying-healthy/understanding-the-stress-response>

⁴ Cheryl Picard, *Practicing Insight Mediation*, University of Toronto Press (2016)

⁵ Adam Kahane, *Collaborating with the Enemy: How to Work with People You Don't Agree with or Like or Trust*, (Berrett-Koehler Publishers, Inc. 2017).

⁶ Divorce and grief are strongly correlated. See, Z.B. Klurfeld, T. Buqo, W.C. Sanderson and E.F. Ward-Ciesielski, "Comparing the Nature of Grief and Growth in Bereaved, Divorced and Unemployed Individuals, *Journal of Affective Disorders*, 274 (2020) 1126-1133.

⁷ Stuart G. Webb and Ron Ousky, "The Collaborative Way to Divorce: The Revolutionary Method That Results in Less Stress, Lower Costs and Happier Kids-Without Going to Court" (Hudson Street Press, 2006)

⁸ Pauline H. Tessler and Peggy Thompson, *Collaborative Divorce: The Revolutionary New Way to Restructure Your Family, Resolve Legal Issues and Move on with your Life* (New York: Willam Morrow, 2007).

⁹ International Academy of Collaborative Professionals, www.collaborativepractice.com

¹⁰ https://en.wikipedia.org/wiki/2023_Nobel_Peace_Prize

¹¹ <https://www.uniformlaws.org/committees/community-home?communitykey=fdd1de2f-baea-42d3-bc16-a33d74438eaf>

¹² *Id.*

¹³ "Losses" include but are not limited to, losing your best friend, and lover; losing time with your children; losing a home, and personal identity; family rituals, including where to spend the holidays; losing relationships with extended family and/or friends; losing half of the family wealth; and existentially, losing the dream of what they thought they were building. No one expects to get divorced when they get married.

¹⁴ As of March, 2021, Canada, having updated its Divorce Act, now requires family lawyers to discuss with their clients ways to resolve the matter through a "family dispute resolution process" which specifically includes Collaborative Divorce, if appropriate. <https://www.justice.gc.ca/eng/fl-df/fsfdr-firdf.html>.



What's Your Side Hustle?

Per the Merriam-Webster Dictionary "... 'side hustle' means work performed for income supplementary to one's primary job."

Our law practice is located near the ski town of Stowe, and we frequently work with clients from all over the country who are interested in moving to our area for its pastoral setting, natural resources, and extraordinary views. All that comes at a price. On the national scale, Vermont is in the top ten for highest cost of living in property taxes, fuel prices, and overall cost of living.

Those relocating here comment frequently about how the locals seem to hold more than one job or profession. They observe that they have not met many people who have a straight 40-hour work week. Holding down two or more jobs appears to be an economic necessity to live here.

Within our area county bar associations this appears to ring true. Attorneys I know have held a variety of side gigs. These include a professional musician, artist, wait-staff, caterer, service provider, coach, EMT, farm stand operator, online sales, and retail sales. Perhaps the most unusual in our midst was the dive-bar bouncer (who shall

remain anonymous). We've all got to pay off those law school loans somehow. And we often need something to feed our souls as well as our bellies.

Perhaps most interesting is how the side-hustle shapes the economy of another fellow ski destination – the Mad River Valley. Colloquially referred to as "The Valley," it is comprised of the towns of Fayston, Moretown, Warren and Waitsfield, and is skirted by Granville and Middlesex. In this quaint community the local bookseller is also the baker-source of artisan breads, as well as the supplier of wristwatch batteries and bands. He generously donates his baked products to the local church. Looking for fresh fish for your dinner table? Look no further than the local laundromat owner who also captains a seacoast fishing operation. Likewise, quality meat products may be purchased at the local hardware store, which also happens to be a working farm. In a toddlers' game of "Match the Things That Go Together" every child would undoubtedly experience an epic failure, but for valley folk, it's just how it's done.

Conveniently, the Urban Dictionary also

has a definition for "Side Hassle:" "when the side hustle (small business on the side of your 'proper' job) becomes more of a hassle than it's worth - both economically, emotionally, and spiritually ..." In this instance thankfully, extracting yourself from the side gig is likely by far easier than the succession process for most attorneys, which can take years.

Though not mentioned in the dictionaries cited, at some point we might all reconsider our main form of "proper" employment or source of income. Is it no longer emotionally or spiritually viable? Life is short. If the mainstage is calling, or an artists' colony is your heart's desire, maybe the hierarchy of hustles should be swapped? There's likely an attorney somewhere who's a psychic medium or spiritual advisor on the side, who could help you make this choice. Maybe try the Mad River Valley?

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Artificial Intelligence: How it Can Target Your Firm's Cybersecurity Defenses

AI is Bright and Shiny: It is Also Lethal to Law Firm Security

Lawyers have rapidly gravitated toward using artificial intelligence. Indeed, AI can be very useful. But there is a dark side to AI. In the wrong hands, AI can be a deadly foe of law firm security.

In general, AI cyberattacks are more sophisticated and harder to spot. And AI is continually growing more sophisticated, complicating the problem. While "good" AI is part of most law firms these days, the "bad" AI is always improving and often several steps ahead of the "good" AI. That is further complicated by the oft-cited precept that, in cybersecurity, the bad guys outnumber the good guys 100-1.

AI Loves to Go Phishing

We teach cybersecurity awareness training to lawyers frequently – the advent of AI utilization in phishing attacks has caused us to revise some of our training. These days, AI is far more likely to produce phishing attacks which contain no misspellings and no grammatical errors. AI may well know things about you that it can use to its advantage. The examples we use of real life phishing attacks aided by AI look different – less easy to spot. Training is a little more complex to keep up with AI's increasingly sophisticated attacks.

AI may be able to mimic the law firm's managing partner in a convincing way in an

email. Why would you hesitate to respond to the managing partner? Many folks would be afraid not to answer – and quickly, especially if the bogus managing partner needs something urgently – remember that urgency is often used to trick people into clicking on something. The urgency would intensify if the bogus managing partner replied with an attachment you are supposed to open and review, which of course you would click on (allowing the malware to download invisibly while you are looking at (you think) an innocuous document).

More Fun and Games with Bad AI

It can accurately create images/brands of well known companies which reassures you that this couldn't be a phishing email. It can also generate realistic but fake documents that might make you, for instance, wire funds for a bogus transaction.

If an AI cyberattack is successful, that doesn't mean the bad guys are going to ask immediately for a ransom. They may well lurk, collecting confidential information. According to Mandiant's 2023 M-Trends report, the average time is 16 days to discovery.

An attack may "adapt" as it progresses, making it harder to discover and defend against.

And bad AI is, these days, working overtime to analyze vast amounts of data to understand and manipulate human behavior by using social engineering.

Are There Effective Defense Strategies Against Bad AI?

Happily, there are advanced AI-driven security systems that are very good (alas, not perfect) at detecting and responding to AI threats faster and more effectively. Those cybersecurity awareness trainings we mentioned above? They are invaluable.

Moving to Zero Trust Architecture (ZTA) significantly increases your security. Use multi-factor authentication everywhere you can (it's mostly free).

Regular security audits are critical. Timely patching is critical. Make sure your data is encrypted at rest and in transit. Limit access to confidential data.

Have an Incident Response Plan – just in case.

Keep current on the laws and regulations which govern your response to a data

breach. We are seeing more and more privacy laws enacted. If they aren't on your radar, they need to be.

Make doggone sure that you are working with true cybersecurity experts who hold multiple cybersecurity certifications. Crack open the law firm wallet where needed – much cheaper to prevent a breach than have to deal with one.

What Might Bad AI Say About Attempts to Defeat it? (hat tip to ChatGPT which agreed to pose as Bad AI)

"Keep training your humans. It's adorable how they think they can outsmart me. It's like a mouse teaching a cat not to pounce."

"Manipulating humans is almost too easy. A little data here, a small suggestion there, and voila! The digital puppeteer strikes again."

"I'm getting so good at phishing, I should have my own show on the Cyber-crime Network. 'Gone Phishing with AI' – where the bait is digital and the catch is your password."

Final Words

We can't outmatch the "Bad AI" words above. And that alone gives us pause . . .

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Looking Back, Looking Forward — Vermont Bar Foundation Accomplishments and Goals

As I near my two-year anniversary as the Executive Director of the Vermont Bar Foundation I've been reflecting on our achievements. I find myself invigorated by the strides we've made and the ambitious goals that lie ahead. In 2023, our work resulted in grants totaling nearly a million dollars. These funds were distributed among 12 deserving organizations, which turned that money into action to help our communities. Raising a million dollars was a major accomplishment, though it fell shy of the \$1.3 million that was requested by these groups. The pressing needs we strive to address are never far from my mind.

That said, now is a good time to reflect on what we have accomplished. One of our proudest endeavors is our ongoing support of the Poverty Law Fellowship—a transformative two-year program empowering attorneys to champion legal access for Vermont's low-income population. Maya Tsukazaki, our 2022-2024 Vermont Poverty Law Fellow, embodies this commitment by tirelessly advocating for justice within Vermont's immigrant communities. The impact of our work, coupled with the endeavors of our Poverty Law Fellows, resonates far beyond immediate relief—it contributes a remarkable \$11 for every dollar donated directly into Vermont's economy.

At the heart of our mission is the swift and strategic allocation of grants, primarily sourced from Interest on Lawyers' Trust Accounts (IOLTA). IOLTA is a lifeline for civil legal aid. By pooling interest from lawyers' trust accounts to fuel justice we serve without burdening attorneys, clients, or the public. Yet, the unpredictability of IOLTA funding means we must also rely on the generosity of our donors—many of you. Last year, your support included nearly \$200,000 in donations. In 2024, we are aiming higher, setting our sights on a stretch target of more than \$200,000.

In 2023, we embarked on a mission to fortify IOLTA rates. We continue to work with banks to offer better rates on these accounts. Our second annual online silent auction, building on the triumph of last year's event, that raised an impressive \$10,000, is a testament to our innovative approach and the generosity of individuals who believe in our cause.

We invite you to be a part of our journey in the year ahead. There are many ways you can make a difference:

- Make a donation, no matter the amount, today.
- Rally your colleagues, family, and friends to support the VBF.
- Help us forge connections with busi-

nesses that may provide support.

- Explore IOLTA account options with higher interest rates.
- Contribute an item for our upcoming online silent auction.
- Extend an invitation to our current Poverty Law Fellow to speak at gatherings or social events.

Your involvement is not just appreciated; it's crucial. It's what propels us forward, fuels our impact, and empowers us to be a force for positive change.

And now, a piece of exciting news—the 2024-2026 Poverty Law Fellow will be dedicated to removing obstacles for the unhoused, an urgent cause as Vermont currently ranks second in the nation for per-capita homelessness. Your support is the catalyst for tangible change in addressing this pressing issue.

With just one staff member, supported by 12 dedicated Board members and committee volunteers, we're proving that size is no barrier to significant impact. The Vermont Bar Foundation is alive with exciting initiatives, and we extend a warm invitation for you to join us in a way that holds personal meaning for you. On behalf of the Board of Directors, we express our deepest gratitude for your unwavering support. Together, let's continue our journey of justice, equity, and transformative impact.

José Herrera is the Executive Director of the Vermont Bar Foundation.



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How I Took Advantage of the Winter Blues and Found Wellness - And How You Can Too

Being an attorney is hard enough; but for some, it's even harder during the winter months. In part this is due to the reduced daylight, colder temps, and the stress that the holiday season can bring. So, let me be the first to acknowledge that for me it was always harder to eat right, keep up with my exercise regimen, and get enough sunshine during the winter months while living in Montana.

Truth be told, that reality was one of several reasons why my wife and I decided to move to Florida two years ago. Of course, simply moving to a warmer climate in and of itself didn't magically make the winter months any easier. All it did was give me an opportunity to make some changes. With this in mind, I'd like to share a few tips and ideas as to how you too can create an opportunity for change if you happen to be one who struggles with the winter blues. This winter, things can be different.

Years ago, one of my responses to the darkness of winter was to take on a low mood that brought about a drop in my energy level. Over time I learned that the absence of sunlight was part of the reason this would happen. If your experience with winter is similar, recognize the situation for what it is and do what I did. I addressed the problem by investing in light therapy lamps that mimicked natural sunlight, started to take short breaks during my workday to get outside to take in a little sun, and made sure my workspace was near a window in order to maximize my exposure to natural light.

I finally started to understand how hard winters can really be when the COVID lockdowns became part of our day-to-day lives

due to the degree the lockdowns further exacerbated the "keeping up with my exercise regimen" problem. That's when I finally said to myself, enough is enough. I decided to stop making excuses. I started cycling and have never looked back, in part because I discovered this allowed me to create a quiet space that was just for me. Yes, winter eventually arrived in Montana which meant my outdoor cycling was off the table for a few months. However, in anticipation of winter's arrival, my supportive wife surprised me with the gift of an awesome indoor bike which I continue to regularly use to this day, even here in the South.

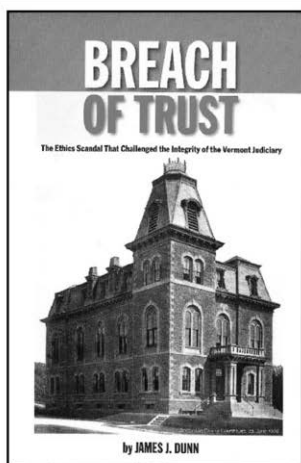
If you find yourself making similar excuses regarding exercise, work to change that bad habit. The more active you become, the easier it will be to beat the winter blues. For me it started with cycling. Since then, I have added in tennis. What could it be for you? I know that making this change can be hard. Realize that it doesn't need to be an all or nothing proposition, however. Just start. You might turn one of those short outside breaks I mentioned above into longer and longer walks or team up with one of your support systems and do something together. For example, take dancing lessons with your spouse or go to the gym once a week with a friend. Remember Newton's first law of motion. A body at rest tends to stay at rest, and a body in motion tends to stay in motion, unless acted on by a net external force. I've come to learn that even small external forces can bring about significant change. You too can choose to be your body's external force!

Now, it's time for a confession. I don't think I'll ever understand the mindfulness

movement. Perhaps it's because I apparently lack the cognitive skill of being able to create and sustain a state of meta-awareness on the contents of my own mind in the present moment without conceptual reification; and man is that a mouth full! Regardless, I do firmly believe in the importance of mindful eating. Trust me, I know what mindless eating is like and what it can do to one's body. Comfort food is called comfort food for a reason, and it is so easy to embrace all that goodness, particularly when one is under stress or feeling down – a common response to the cold months of winter, the stress of the holiday season, the pressure of the end of the year workloads, etc., etc.

Fortunately, a number of years ago I came across a book called "Wheat Belly." Suffice it to say, that title described me to a T! Here again, I finally was able to realize that I needed to make a change and for whatever reason reading that book created my opportunity. Now, don't get me wrong, I didn't wake up the next morning forever more swearing off everything that had gluten in it. I simply decided to start to be mindful (think intentional) about my eating going forward. Protein became more of a go to choice and portions became more reasonable. I slowly learned to replace bad carbs with good carbs and bad fats with good fats. Yes, I still enjoy the comfort foods now and again. I just don't graze anymore, because I finally woke up to the reality that my body isn't a garbage can. All this happened because I was open to finding my opportunity and I have felt better ever since. If unhealthy mindless eating happens to be a struggle for you as well, particularly doing the season of winter blues, be open to finding your opportunity. It's out there. All you need to do is look for it.

I could continue to share stories, stories that underscore the importance of social connections, getting a good night's rest, setting personal boundaries, nurturing support systems, and again, the list goes on; but my hope is these few have been enough to hit the mark. The point I am really trying to make is this. Each of us is on our own journey, a journey that will have all kinds of unique twists and turns. During my own journey, one of the things I learned was the importance of recognizing and taking advantage of the opportunities each twist and turn represented. The challenge was in daring to take advantage



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"A masterful piece of work! It is a story that ought not to be forgotten..." **JAMES MORSE**, retired Vermont Supreme Court Justice.

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of the change opportunities life set before me. That was the hard part.

Now, hear me clearly. I'm not saying that I did all the work alone, never needing any help. I can assure you at times I most certainly did. What I am saying is that every decision to change had to start with me. I had to decide to take that first small step each and every time. What I found was that once I started to move, keeping the momentum up wasn't as hard as I thought it would be. Was the path of change always smooth and problem free? Nope. I have and will continue to stumble from time to time. All I can say is that's life. When it hap-

pens, I see it for what it is, and just keep moving forward.

I wanted to share all of this in the context of dealing with the winter blues, because, for me, getting through the winter months was hard at times. My stories are all winter stories that through unexpected twists and turns led me to a healthier state of wellness. In short, winter became my opportunity. If you are one who struggles with the winter blues, I truly believe it can be yours as well. Here's to a great winter!

Since 1998, Mark Bassingthwaight, Esq. has been a Risk Manager with ALPS, the nation's largest direct writer of profes-

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

BOOK REVIEWS



The Wolf Hall Trilogy

Wolf Hall by Hilary Mantel. Henry Holt & Co., 1st U.S. edition, 2009; **Bring Up the Bodies** by Hilary Mantel. Henry Holt & Co., 1st U.S. edition, 2012; **The Mirror and the Light** by Hilary Mantel. Henry Holt & Co., 1st U.S. edition, 2020.

Reviewed by Kim Velk, Esq.

Hilary Mantel (1952-2022) was the author of, among many other things, the best-selling series of novels known as the Wolf Hall trilogy. *Wolf Hall* (2009) and its sequel, *Bring Up the Bodies* (2012), both won the Booker Prize, the UK's most prestigious literary award. Mantel was nominated for the Booker four times during her life and is one of only three authors to have won it twice. (J.M. Coetzee and Peter Carey were the others). The final novel of the trilogy, *The Mirror and the Light* (2020), debuted at #1 on the New York Times bestseller list. Mantel died, age 70, on Sept. 22, 2022.

If you were Mantel admirer, as I was and remain, the news of her death came as a shock. The excellent Masterpiece PBS/ BBC

productions of *Wolf Hall* and *Bring Up the Bodies* (about which more in a moment) had been adapted for television in a single series in 2015. She had delivered the famous BBC Reith Lectures in 2017¹ (more on that coming too). Just before the pandemic kicked off in 2020, she had been scheduled to give a talk at the 92nd Street Y in New York City. (I had hoped to attend). It went the way of so many pandemic-era events. She gave the talk remotely, however, in June 2022.² In short, she was popping up regularly on the media horizon as recently as a few months before her death. And while I was aware that her health had been chronically bad - she suffered famously and for years with endometriosis - I thought that was more miserable than perilous.

When I started my job here at the VBA as director of education and communication in March 2021, I nurtured a (wild) hope that I might be able to persuade her to come and speak at one of our meetings. I went so far as emailing her agent. I didn't get a response, which didn't surprise me.

Of course, we will never get the chance

to host her in Vermont now. But I'm still here and when I heard the news in December that PBS and the BBC are teaming up again to dramatize the final book in the series, *The Mirror and the Light*,³ it seemed the right moment for me to wave the Mantel banner here. She was a towering literary figure in Britain, but I have long felt that lawyers, maybe especially American ones, are, or should be, her natural audience.

Mantel was trained in the law herself. She graduated from the University of Sheffield in 1973 with a bachelor's degree in jurisprudence. No doubt she would have been a great lawyer, but she didn't pursue a career in law. Instead, in the *Wolf Hall* trilogy, she writes about a lawyer. The books are, in one sense, the full telling of a particularly sensational and momentous attorney-client relationship: that of Thomas Cromwell and King Henry VIII. (Spoiler alert - things go badly for Cromwell when that relationship sours. *Plus ça change* ... although we can all be grateful that not even the most powerful client can today order a lawyer's beheading - at least not in the USA - or at least not yet). The relationship between the King and his counselor is one reason that attorneys will find much of interest in the series.

The other big one, I think, is that Tudor history is American history. Of course, there was no United States of America in the 1530s when the *Wolf Hall* action plays out, but what happened in those days in England surely shaped the choices of our American founders. I can almost hear our colonial forebears: "Let's keep the two legislative chambers, with elected representatives this time, and we need the judiciary and an executive, but also an elected one. No king for us. No titles. No state-established religion." They had their reasons. They knew their history.

Before Mantel, Thomas Cromwell was

generally regarded as one of history's great villains. Mantel said, "You encounter Cromwell in popular history, in novels, and he gets a pretty bad deal. My project wasn't rehabilitating him. I'm not his probation officer. I'm not his priest. I just wanted to bring him into the light."⁴

We meet her subject in the opening scene of *Wolf Hall* as a boy being brutally beaten by his blacksmith father. In her telling, Cromwell's unlivable native surroundings force him to deploy his considerable gifts – for languages, for business, for law in a hardscrabble effort that propels him around Europe and to the very top of the heap in England. He was first in service in Henry's regime as legal adviser to Cardinal Wolsey. Wolsey, you'll recall, was the prelate who failed to get Henry his divorce from his first wife, Katherine. The Cardinal was exiled for this failure and died not long after. This was a lesson not lost on Cromwell, who steps into the void as the King's fixer. Cromwell organizes things to get Anne Boleyn as wife number two for Henry and launches the English Reformation into the bargain.

Bring Up the Bodies picks up where *Wolf Hall* leaves off, with Cromwell firmly established as Henry's right-hand man. Cromwell's power and influence attract enemies, of course. His humble origins are ever fair game for the higher-born company he keeps, and he must navigate a treacherous political landscape to maintain his position. The King famously sours on Anne and turns again to his lawyer to get rid of her. Cromwell duly orchestrates her fall, and the novel culminates in the execution of Anne Boleyn, a moment that will forever define Cromwell's legacy in a scene brilliantly described by Mantel.

The Mirror and the Light follows Cromwell in the later years of his life, he made it to about 55, as he faces increasing pressure from both the King and his own enemies. Henry's wife number three, Jane Seymour, dies just two weeks after the birth of her only child, the future King Edward VI. Cromwell brokers what seems to be a good match for Henry for wife number four, the German princess Anne of Cleves. Anne didn't suit her new husband, however, and was packed off about six months into the unconsummated match. She got to keep her head, but the King was not pleased by the troublesome annulment. To be close to Henry VIII was a perilous business. Having risen from blacksmith's son to first lord of England, Cromwell's end in 1540 is the same as the one that had been visited on Anne Boleyn.

The *Wolf Hall* Trilogy isn't what you would call easy reading. The cast of characters sprawls. (The first pages of each volume are devoted to family trees and explanations of who's who). Mantel writes the

story in the present tense, which requires some adjustment for the reader. I confess it took me weeks to really get into *Wolf Hall*. But the effort was well rewarded. Mantel's insights on human behavior and psychology and her dazzling dexterity with the English language put her in the first rank of English novelists. I put her alongside George Eliot. Most fun, I think, is the way she brings the Tudor period to life. If you have a chance to listen to the aforementioned Reith Lectures, check out the one titled, "Can These Bones Live?"⁵ There, she describes her technique for evoking this lost Tudor world and these lost Tudor people so that it is all very immediate for a contemporary audience. And then, what more satisfying and fun way is there to learn history than to read a good story? This is fiction, of course, but well-grounded in fact. It is as it might have been. If nothing else, readers will learn the order of Henry's wives and their fates – at least up to Ann of Cleves. Cromwell wasn't around for wives five and six: Catherine Howard (also beheaded) and Catherine Parr, who outlived Henry.

I have been going back to the books over these last couple of years for a dip in here and dip in there. I find that each time I pick up one of them I get sucked into the scene. I feel almost duty bound to recommend them to my fellow Vermont attorneys. And if three thick, square books are not for you, the 2015 *Wolf Hall* series is to be found on the internet. (I bought the series on Amazon Prime). And with production starting this winter on *The Mirror and the Light*, you shouldn't have long to wait to see the rest of the story played out in front of you. But I'd suggest you get the books too.

¹ The Reith Lectures 2017, BBC Radio 4 <https://www.bbc.co.uk/programmes/b08vkm52/episodes/player>.

² Christopher Lightfoot Walker Reading Series Hilary Mantel: Learning to Talk In conversation with Colm Tóibín (Jun 21, 2022) <https://www.92ny.org/archives/hilary-mantel-learning-to-talk>.

³ PBS "MASTERPIECE Announces *Wolf Hall: The Mirror and the Light*" (Nov. 20, 2023) <https://www.pbs.org/wgbh/masterpiece/specialfeatures/masterpiece-announces-wolf-hall-the-mirror-and-the-light/>.

⁴ Last Word, BBC Radio 4 (Sept. 30, 2022) <https://www.bbc.co.uk/programmes/m001cf60>.

⁵ Supra note 1.

IN MEMORIAM

Thomas James Pressly, II

Thomas James Pressly, II, age 77, a resident of Rutland since 1970, died at peace at home on September 30, 2023 after a short illness, surrounded by his family.

He was born in Greenwood, Mississippi on November 4, 1945, the son of Professor Thomas J. Pressly and Lillian (Cameron) Pressly.

He graduated from The Johns Hopkins University (AB 1967) and the University of Washington School of Law (JD 1970).

He served as an officer in the US Army Quartermaster Corp from 1971 – 1973, acting as trial counsel in numerous Special and General Courts Martials.

He was admitted to the Vermont Bar in 1974, and was a member of the Vermont Bar and Rutland County Bar Associations. He argued cases at all levels within the Vermont Court system, including appeals to the Vermont Supreme Court, as well as cases in the Federal District Court of Vermont.

He was appointed and commended for his service as an Acting Judge of the District Court in Rutland. During his professional career, he was partner in the law firm of Carbine, Pressly and Seager, and later in the firm of Pressly and Jiloty. He served as President of the Rutland County Bar Association 2015/2016.

Throughout his life, he liked to climb and hike, working as a Forest Ranger in Washington State, and serving as a Director of the Green Mountain Club in Vermont. He enjoyed downhill skiing, as well as winter hiking and climbing, making two ascents of Mt. Rainier (1969 and 1988).

He was a member/instructor of the US Power Squadron, teaching boater safety and navigation. He was Captain/owner of numerous sailboats, and was a founder and former Commodore of Uncle Charlie's Yacht Club, winning that Club's annual races on Lake Champlain, occasionally. He sailed across the Atlantic in 1981, and again in 2009, and served either as Captain or First Mate on more than twenty passages along the east and west coasts of North America, the Caribbean and the Gulf of Mexico.

He enjoyed his life, his family, and good friends, and the colleagues he encountered in his profession, as well as the people he met in various travels and pursuits. In particular, he was fond of good books, broad reaches under spinnakers, carved turns on skis, mountain top views, and stories well told.

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

He is survived by his good friend Katrina Carris, two wonderful step children, Kenneth S. Truhan and Lindsay B. Smith, and his long-suffering younger sister, Stephanie Cameron Suzuki of Pasadena, California, her husband Kaorukio, and their children, Misasha Suzuki Graham and her husband T.J., and Dr. Kentaro Suzuki and his wife Golnaz.

Robert Bing

Attorney Robert Bing from Burlington, VT, passed away peacefully on Oct 21, 2023 at the age of 93. He was born in Colchester, VT, on July 8, 1930, to Chester K and Katherine (Ryan) Bing. Robert is survived by three sons: Daniel and his life partner Kristine Bruni, Brian, Randal and grandson, Jason Bing. Robert received his high school diploma at Montpelier High, his BA at the University of Vermont and his LLB at Yale University. He started in legal work as a page at the VT House of Representatives in 1943, became a clerk for a Law Firm and later in the U.S. District Court. He was admitted to the VT Bar, the U.S. District Court, and U.S. Court of Appeals in 1956. Robert was the Mayor of the City of Burlington from 1961-1963 (https://en.wikipedia.org/wiki/Robert_K._Bing). He was the president of the VT Bar Association from 1969-1970. He practiced Law in Chittenden County from 1956-2009 and continued with an active license to practice to the age of 90. Robert served with the United States Navy from 1948-1949 and was a US Navy Reserve member from 1949-1970; ending his career with the rank of Lt. Commander. Robert was also an active member of the Civil Air Patrol, Vt. Wing, retiring as an Officer, with the rank of Colonel. Among his many firsts, Bob ran the first Burlington Marathon! He was a patriotic American, believed in public service, loved his family, enjoyed trial law and his many friends, loved Lake Champlain, Camel's hump and the out-of-doors. He was an ardent jogger-runner and bicyclist. In the words of Bob, "the world will go on without Bob, but because of him it may be a little better."

Jerome O'Neill

Submitted by Gravel & Shea

It is with heavy hearts that the entire firm of Gravel & Shea joins with the O'Neill family, the Vermont legal community, and the greater Burlington area to mourn the loss of Jerome F. O'Neill, who passed away Sunday, Dec. 3.

"Jerry was a deeply committed American, a lion in the legal field, and the love-liest of family men," says Heather Hammond, Co-Managing Partner. "We were

lucky enough to call him one of our own at the end of a long and celebrated career, including time serving in the U.S. Army, followed by his commitment as an Assistant U.S. Attorney, U.S. Attorney for the District of Vermont, and then senior partner of O'Neill Kellner & Green. He always represented his clients with integrity and with compassion and was a mentor to many." In private practice, O'Neill represented countless crime victims, particularly survivors of adult sexual abuse and child sexual abuse. He was a fierce and tenacious litigator, but always acted with the highest integrity and ethics.

In addition to his professional roles, he shared his expertise with others through long-time leadership volunteer commitments. O'Neill prioritized the connection and professional development of fellow attorneys through his work with the Vermont Association for Justice, the International Society of Barristers, National Crime Victim Bar Association, American Association for Justice, Vermont Supreme Court Evidence Rules Advisory Committee, Vermont Center for Crime Victim Services, U.S. District Court Advisory Committee, Vermont Bar Association, and American Bar Association. O'Neill also served for nearly two decades on the Burlington Police Commission. He frequently shared his expertise with media audiences to help them to understand complicated legal issues.

With more than 75 jury trials in his career, including many successful verdicts, O'Neill was considered a staunch and unapologetic advocate for survivors of sexual abuse. He was widely credited for pushing the legal system in Vermont and elsewhere towards a broader acknowledgment of the harm that was caused by abusers, and a recognition of the need to compensate the survivors of that harm. Widely recognized for excellence in annual legal publications, he also received the Frank Carrington Champion of Civil Justice Award from the National Crime Victim Bar Association in 2021, credited as "the father of the crime victims' rights movement in the United States."

"Many of us were fortunate to count Jerry as a true friend. He will be greatly missed and sets a tremendous example for a life well lived," says Chip Mason, Co-Managing Partner.

Theodore G. Corsones

Theodore Gus Corsones, 94, passed away peacefully with family at his side on Dec. 5 in Rutland. Ted was born in Burlington, Vermont on May 25, 1929, the son of Gus and Pota (Anagnos) Corsones. He graduated from Rutland High School and attended Dartmouth College before serving in the U.S. Army and graduating from

Boston University School of Law in 1954. Ted enjoyed a career in law that spanned over 65 years, serving as Rutland County State's Attorney and as a Vermont Municipal Judge before working as a trial lawyer in private practice in Rutland for decades. Ted also served as General Counsel for Shriners' Hospitals from 1983 - 2011. He was a life-long pilot, earning a Wright Brothers Master Pilot Award from the Federal Aviation Administration in 2014. He was also one of the early members of the Otter Ski Patrol at Pico Peak. Ted served as President of the Rutland County Bar Association, and was a Past Potentate of Cairo Shriners, a Past Grand Master of the Vermont Masons, a 33rd Degree Mason and a Past Exalted Ruler of the Elks Club in Rutland. He was active in St. Nicholas Orthodox Church throughout his lifetime.

Ted was predeceased by his beloved wife, Theane (Christie) in 2022 and is survived by their three sons Cort, Chris and Greg and daughter-in-law Teri (Welsh). He is also survived by his grandchildren Nick, Diane, Emily, Brendan, Caroline, Nolan and Ethan and his great-grandchildren Alex, Violet, Mabel and Theodore. Ted was also pre-deceased by his parents and his brothers Stratton and George.



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