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VERMONT BAR JOURNAL

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Try out the
Connections Puzzle
by Kevin Lumpkin, Esq.
on page 40!

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PRESIDENT'S COLUMN

Being an Advocate for Democracy and The Rule of Law

I have been deeply concerned, like many of you, about the state of our democracy. The rule of law is a cornerstone of our democracy, and the actions by our federal government have brought the rule of law to a crisis point. This is not hyperbole. Our esteemed Chief Justice Paul Reiber reflected during his remarks at the Vermont Bar Association's Mid-Year Meeting that "it appears there is an effort in Washington, D.C., to destroy the public's faith in the courts, in our system of justice, in this country."¹ Yet, diminishing respect for our independent judiciary and faith in the rule of law has been eroding for some time. We are not powerless to stop this dynamic. As lawyers we can help stem this tide and be an advocate for democracy and the rule of law.

The Rule of Law is Foundational to our Democracy.

The nexus between the rule of law and our democracy is reflected in the words of James Madison, written even as our Constitution was being drafted:

"If men were angels, no government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."²

Our democracy operates when its representative government passes laws to govern its citizens. The rule of law ensures fidelity to the decisions of the people's representatives. The rule of law also prevents tyranny and absolute power by one person or even a branch of government. In the United States, this is accomplished by dividing power through the three co-equal branches of government. This "ensure[s] that no one person is able to gain absolute power and stand above the law."³ An essential component of the separation of powers is an independent judiciary. As United States Chief Justice Marshall (1755-1835) wrote in the seminal case of *Marbury v. Madison*, "[i]t is emphatically the province of the Judicial Department to say what the law is."⁴ The courts decide when the other branches of government exceed their authority or impermissibly invade the civil liberties of individuals.

Judicial independence is indispensable to the operation of the rule of law. Given

the gravity of decision making by judges, it is an "absolute necessity of maintaining a judiciary not vulnerable to inappropriate influences."⁵ At the Virginia constitutional convention, Chief Justice Marshall said:

[The judge] has to pass between the government and the man whom that government is prosecuting—between the most powerful individual in the community, and the poorest and most unpopular. It is of the [foremost] importance that in the performance of these duties he should observe the utmost fairness. The judicial department comes home in its effects to every man's fire-side—it passes on his property, his reputation, his life, his all."⁶

Marshall's principle is, of course, central to the functioning of the country today as it was when it was first enunciated. "This principle means that we treat people equally under law and how we treat others is not dependent on what party is in office or what individual or group is targeted for favored or disfavored treatment."⁷

In addition to the independence of the judiciary, a critical component of the rule of law is consent by the governed and those who hold power. As President Eisenhower reflected after the seminal *Brown v. Board of Education* decision, "the very basis of our individual rights and freedoms is the certainty that the President...will support and ensure the carrying out of the decision of the Federal Courts...unless the President did so, anarchy would result."⁸

The Rule of Law is Under attack.

Concerns about the rule of law and support for an independent judiciary have been growing for some time. An Annenberg Public Policy Study found that trust in the judiciary and the rule of law dropped from 75% in 2000 to 50% in 2020.⁹ In extreme circumstances, this lack of support has manifested itself with deadly threats or actual incidents of violence to judges and their families. Recent news stories have reported on a pipe bomb threat directed at Justice Barrett's sister,¹⁰ the killing of Wisconsin trial judge John Roemer by someone he had sentenced,¹¹ and Federal District Court Judge Salas' husband was shot and son murdered by an attorney as an act of vengeance against the judge.¹²

The threat to the rule of law and our independent judiciary has been heightened



Joshua Diamond, Esq.

by recent actions taken by the Trump Administration. It has demonstrated a contempt for the role of the judiciary, the separation of powers, and due process. Here are a few examples:

- Following a federal district court ruling pausing the removal of 200 migrants to El Salvador, President Trump called for the impeachment of the district court judge. This resulted in an extraordinary rebuke from Chief Justice Roberts who said, "for more than two centuries it has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision. The normal appellate review process exists for that purpose."¹³
- Vice President Vance responded to a preliminary injunction blocking the Department of Government Efficiency's access to the Treasury Department's central payment system by stating, "...Judges aren't allowed to control the executive's legitimate power."¹⁴
- The Trump Administration continues to freeze funds appropriated by Congress in violation of the Separation of Powers Doctrine and Impoundment Control Act.¹⁵
- The extrajudicial deportation of lawful residents without any due process continues despite clear direction from the Supreme Court to facilitate their release. Judge Wilkinson, for the Fourth Circuit Court of Appeals, denied the Trump Administration's re-

quest to stay an order to bring back a resident of the United States recognizing that "[t]he government is asserting a right to stash away residents of this country in foreign prisons without the semblance of due process that is the foundation of our constitutional order."¹⁶

Compounding the attacks against our independent judiciary are the threats to lawyers who have been targeted because they represent clients that the government does not like. U.S. District Court Judge Howell enjoined a recent executive order that prevented Perkins Coie attorneys from entering federal court houses noting, "the chilling effect of this executive order threatens to undermine our entire legal system and the ability of individuals to access justice in the American judicial system."¹⁷

I am not so naive to believe all our institutions are just. Change is needed to bring about meaningful justice, liberty, and equality of opportunities for all Americans. Yet, there is a meaningful distinction between respect for laws and respect for the rule of law. As noted by Judge Wilkinson in the Garcia decision, "[c]ourt rulings are not above criticism."¹⁸ We should not blindly concede injustice that is found in our laws. Martin Luther King Jr.'s own words illustrate this distinction between rule of law and unjust laws.

"I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law."¹⁹

Rule of law and respect for an independent judiciary is essential to the functioning of our democratic institutions, and we must continue to be "vigilant to ensure that the rule of law also services the interests of justice."²⁰

Lawyers as Advocates for the Rule of Law.

As attorneys, we can be effective advocates for the rule of law, the independence of the judiciary, and our democratic institutions. The preamble to the Rules of Professional Conduct reminds us of the special relationship between lawyers and our democratic institutions: "[a] lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice."²¹ We can help counter the apathy and lack of trust that corrodes the diminishing support for the rule of law and our independent judiciary. Here are a few ways we can in our community.

- Let your voice supporting an independent judiciary and the rule of law be heard. On May 3rd members of our bar are organizing a rally in support of the rule of law. The rally will start at noon with folks gathering Chittenden Superior Court, Civil Division. More information can be found here: <https://vermont-lawyersmarch.com/>. Other ways to be heard include writing an op-ed in your local paper or even talking with neighbors and fellow community members.
- Help educate the next generation by going to local schools and teach about the rule of law and the importance of an independent judiciary. One such opportunity is Law Day. This spring, the VBA and our County Bars are providing Law Day programming at our local middle and high schools. This year's theme is, "The Constitution's Promise: Out of Many, One." The 2025 Law Day theme urges us to take pride in our Constitution, which bridges our differences to bring us together as a united nation. Our civic lives tie us together as one "We," whether through legislative efforts that serve the common good, through military service, or by working together, every day, to fulfill the promise of *E pluribus unum*, or "Out of many, one." More information about Law Day and opportunities to participate can be found here: <https://www.vtbar.org/wp-content/uploads/2025/03/Law-Day-2025-Banner-Info.pdf>.
- Volunteer and help those in need. Access to justice is essential if we want to strengthen the rule of law. The VBA promotes this work through its low bono programs run by our own Mary Ashcroft. The low bono programs match lawyers, who agree to be compensated at a reduced rate paid by the VBA for matters including:

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

Opportunities to help federal workers, many who have recently found their jobs terminated, can be found here: <https://wetheaction.org/projects/2914-federal-workers-legal-defense-network>.

The challenges facing our democracy can feel overwhelming at times. Howev-

er, these same challenges create opportunities to build a new foundation and appreciation for our democratic institutions. Join me in lending a voice to support the rule of law, helping educate the next generation of citizens about the importance of an independent judiciary, and volunteering to help create equal access to justice.

¹ Chief Justice Paul Reiber, Remarks on the State of Justice, VBA Mid-Year Meeting, Manchester, Vermont (March 28, 2025), 2025-March-28-VBA-Remarks-Reiber.pdf. See also report on Mid-Year Meeting in this issue.

² James Madison, Federalist Paper No. 51 (1788).

³ American Bar Association, *What is the Rule of Law*, About the Rule of Law Initiative-Center for Global Programs. What is the Rule of Law

⁴ *Marbury v. Madison*, 1 Cranch 137, 177 (1803).

⁵ California Chief Justice Ronald George, True Then, True Today, remarks at the Judicial Division Dinner in Honor of the Judiciary during the ABA Annual Meeting, 46 No. 4 Judges' J. 26, 27 San Francisco, California (Aug. 10, 2007).

⁶ *Id.*, quoting Chief Justice Marshall.

⁷ Colorado Attorney General Philip Weiser, Remarks at the 25th annual Robert Abrams Public Service Lecture, September 30, 2021.

⁸ *Garcia v. Noem*, Docket No. 25-1404 at 6 (Order April 17, 2025)(quoting address by President Eisenhower).

⁹ Anenberg Public Policy Center, *Report Finds 'Withering of Public Confidence in the Courts*, Univ. of Pennsylvania (June 29, 2024) Report Finds 'Withering of Public Confidence in the Courts' | The Annenberg Public Policy Center of the University of Pennsylvania.

¹⁰ Mattathias Schwart, Abbie VanSickle, *Judges Fear for Their Safety Amid a Wave of Threats*, New York Times (March 19, 2025).

¹¹ New York City Bar Association President Susan Kohlmann, *The Disturbing Trend of Threats and Violence Against Judges and the Vital Importance of Judicial Security*, New York City Bar Association (June 23, 2022).

¹² *Id.*

¹³ Adam Liptak, *Rebuking Talk from Trump, Roberts Calls Impeaching Judges Over Rulings Improper*, New York Times (March 18, 2025).

¹⁴ Charlie Savage and Minho Kim, *Vance Says Judges Aren't Allowed to Control Trump's Legitimate Power*, New York Times, February 9, 2025.

¹⁵ *New York v. Trump*, Docket No. 1:25-cv-39, 2025 WL 357368 (D.R.I. Jan. 31 2025) (TRO enjoining federal funding pause of federal funding, upheld in *New York v. Trump*, 133 F.4th 51 (1st Cir. 2025). See also *New York v. Trump*, 2025 WL 1098966 (D.R.I. April 14, 2025)(denial of motion for reconsideration of court's enforcement order).

¹⁶ *Garcia v. Noem*, Docket No. 25-1404 at 2 (Order April 17, 2025).

¹⁷ Ryan Knappenberger, *Federal Judge Blocks Trump Throttling of Perkins Coie*, Courthouse News Service (March 12, 2025); See also *Perkins Coie LLP v. U.S. Department of Justice*, 2025 WL 782889 (D.D.C. March 12, 2025).

¹⁸ *Supra.*, fn. 8 at p. 4.

¹⁹ American Bar Association, *What is the Rule of Law*, About the Rule of Law Initiative-Center for Global Program (quoting *Letter from Birmingham Jail* (1963)). What is the Rule of Law

²⁰ *Id.*

²¹ Vt.R.Prof.Cond., Preamble at ¶ 1. ☞



Farewell Rich...

Richard T. Cassidy, July 13, 1953 - April 21, 2025

As the spring issue of the *Vermont Bar Journal* was being finalized, we got word that Richard T. “Rich” Cassidy, the President-Elect of the Vermont Bar Association, had died. Rich died late on Monday, April 21, 2025.

Rich was not only an accomplished attorney, known and respected around the state, he was a servant of the profession. His dedication to improving the law and lawyering were equal to his impressive track record as a skilled and groundbreaking advocate. Here’s a summary of some of that service from his obituary, which is printed in full in the In Memoriam section of this issue:

[Rich] served his community, state, and nation with dedicated enthusiasm. Governor Howard Dean appointed Rich to the Uniform Law Commission (ULC) in 1994 and he was reappointed by every successive Vermont Governor, still serving at the time of his death. He was a Past President of the ULC, and he and [his wife], Becky, delighted in bringing the annual conference of the Commission to Stowe Mountain Lodge in 2016. He was a member of the Board of Governors of the American Bar Association (ABA) from 2005-2008 and was Chair of the ABA’s Standing Committee on the Delivery of Legal Services. He represented the Vermont Bar Association in the ABA House of Delegates. He was currently serving on the Vermont Bar Association Board of Managers and was President-Elect. He is former President of the American Counsel Association. He chaired the South Burlington School Board from 2007 through 2013. He proudly served as Counsel to the Burlington Police Officers Association and as a Legal Analyst for NBC5.

We express our condolences to Becky and to all Rich’s family, friends, and colleagues. We miss him already and will go on missing him.

PURSUIITS OF HAPPINESS

Fritz Langrock: ABA Treasurer and Volunteer Extraordinaire

KSV: Hi Fritz! As you know, for this feature we interview legal professionals with interests and passions outside of the practice of law which help keep them balanced. We're pushing that boundary a bit this time as I've asked you to talk about - among other things - your many years of involvement with the ABA. Clearly, work for the nation's largest voluntary legal association sounds like "work" to most of us - or at least work-adjacent. But you have been doing it for so long, rising in summer 2023 to Treasurer of the organization, that you must find it rewarding in it. Is that a fair statement?

FL: Yes, it is, I am an ABA nerd for sure.

KSV: I'm going to ask you to elaborate on that in a minute, but I always like to start these interviews with a little basic introduction to the subject. Obviously the "Langrock" name is one to conjure with in Vermont legal circles, but can you share a bit about your origins? Where'd you grow up?

FL: I grew up in Salisbury, just south of Middlebury with my parents, my sister Katie and my brother Eric. My dad, [Peter Langrock] as well as being a lawyer, used to raise and race harness horses, so I grew up on a working horse farm. We also had sheep and a few cattle too. As a teenager I trained and raced a horse named Little Whiz.

My Dad was (and is) active in the ABA and the Uniform Law Commission, so our family summer vacations tended to be ABA or Uniform Law Commission meetings. So, in a way I grew up in the ABA.

KSV: OK. I have to hear more about having summer vacations as a kid at ABA or Uniform Law Commission meetings. Did you have fun doing that?

FL: I did have fun. The meetings were often in fun places. I remember meetings in Vail, San Francisco and Hawaii. When I was around 13, we were in Hyannis, MA at a resort where the Jackson Five were also staying. I played tennis a couple of courts down from Michael who was already famous. Also, I had friends that were also ABA or ULC brats and would see them at the meetings.

KSV: And Little Whiz? A few details please!

FL: Little Whiz was a trotting mare. She



had a lot of heart but was not fast enough to race at Saratoga. My Dad raced her at the fairs around Vermont and New York, many of which featured harness racing back then. I trained her on the track we had at home, and when I was 14, I raced a few times in Westport, New York.

KSV: That's fun. Where'd you go to school when you weren't going to ABA meetings or training horses?

FL: I went to Middlebury Union High School, college at the University of Chicago and law school at UCLA.

KSV: I know you started full-time practice as a mediator not quite two years ago. Can you describe the path you took, professionally, to get to where you have arrived now?

FL: I started my legal career in a big firm in Chicago in 1988 and moved home to Vermont in 1992. I spent 32 years as a general practice lawyer and primarily as a litigator at Langrock Sperry & Wool. Eleven years ago I was diagnosed with cancer and went through about a year and a half of surgeries, radiation and chemotherapy. I came out of that knowing that I needed to find some new directions in my life. I started seeing a therapist and began a mediation practice as part of my recovery.

It was after that, and after I gave up alcohol six years ago, that I started considering mediation as a new path. I signed up for training through Champlain College

and before and during the pandemic did three levels of workshops run by Susan Terry, a wonderful mediator and teacher. In December of 2022, I attended a week long training at the Harvard Law School Program on Negotiation, which I wrote about in the *VBA Journal*.¹ Following all of this training I began mediating while continuing my law practice. Gradually, I realized that I really enjoyed mediating. Last year I made the decision to take the leap to doing it full time. It also seemed like a good adventure and challenge to do it on my own.

While I certainly miss the people at Langrock Sperry & Wool, this was a very good move for me, and I love helping people try to work things out.

KSV: Wow. That's a lot. Thanks for sharing... My next question was about tracing your route through the various positions you've held at the ABA - I'll stick with that - but ask you to also talk a little about how your work with the ABA fit in with these various periods in your life and career. Was it something that helped you when times were hard? Or something you had to will yourself to keep doing?

FL: I have been an ABA member since I was admitted in Illinois in 1988, but didn't really get active until later. When my father was finishing a term as State Delegate, he was looking for someone to take his place. I was interested and volunteered. I ran uncontested and became State Delegate to the ABA House of Delegates in 2007

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[I think]. State Delegates are the chair of each state's delegation to the ABA House of Delegates - which in Vermont's case is usually just the ABA State Delegate, the VBA Delegate, and the young lawyer delegate. The House of Delegates is a deliberative body of about 500 representatives that debates and sets ABA policy. The State Delegates also serve on the nominating committee which votes to nominate the ABA officers and board of governors.

My first year as State Delegate there were three candidates for President of the ABA. I was heavily politicked for my vote. It's an interesting way to become popular.

KSV: So that's how you got started - where did it go from there?

FL: I served three three-year terms as State Delegate from 2007 to 2016, at which time I termed out. Also at that time, Vermont's rotation for a representative on the Board of Governors came up. Vermont is in District 1 with Maine, New Hampshire, and Connecticut. Every three years the four states rotate the District 1 seat on the Board. So, in 2016 I ran for the Board and was elected and started serving in 2017. I served on the Board Finance Committee and chaired the Subcommittee on Investments for 2 years.

In 2020, during the pandemic, I felt I had

more to offer, and I decided to run for Treasurer. I announced in 2021 and ran unopposed, which was interesting in that the prior two Treasurer races were contested and very close. I served as Treasurer-elect in 2022-2023 and began my term as Treasurer in August of 2023. I am about halfway through my term which will end in August of 2026.

KSV: We're going to talk more about your role as Treasurer, but first, can you talk about how your ABA work was impacted by your cancer diagnosis?

FL: My involvement in the ABA definitely helped me through my cancer adventure. In fact, in 2014, the day after I was diagnosed with cancer, I flew to Washington, D.C. for ABA Day to lobby on behalf of both the ABA and the VBA. I felt it was better to do that than cancel and persevere on the diagnosis. During the two years of treatment and recovery I only missed one ABA meeting and that one was in Hawaii, and it conflicted with another meeting in DC. The support of my friends in the ABA and having to get off my butt and go to meetings was very important to me during that time.

The most important part of the ABA for me has been the people. I have friends all over the country and in all different types of practices and legal settings. It has always

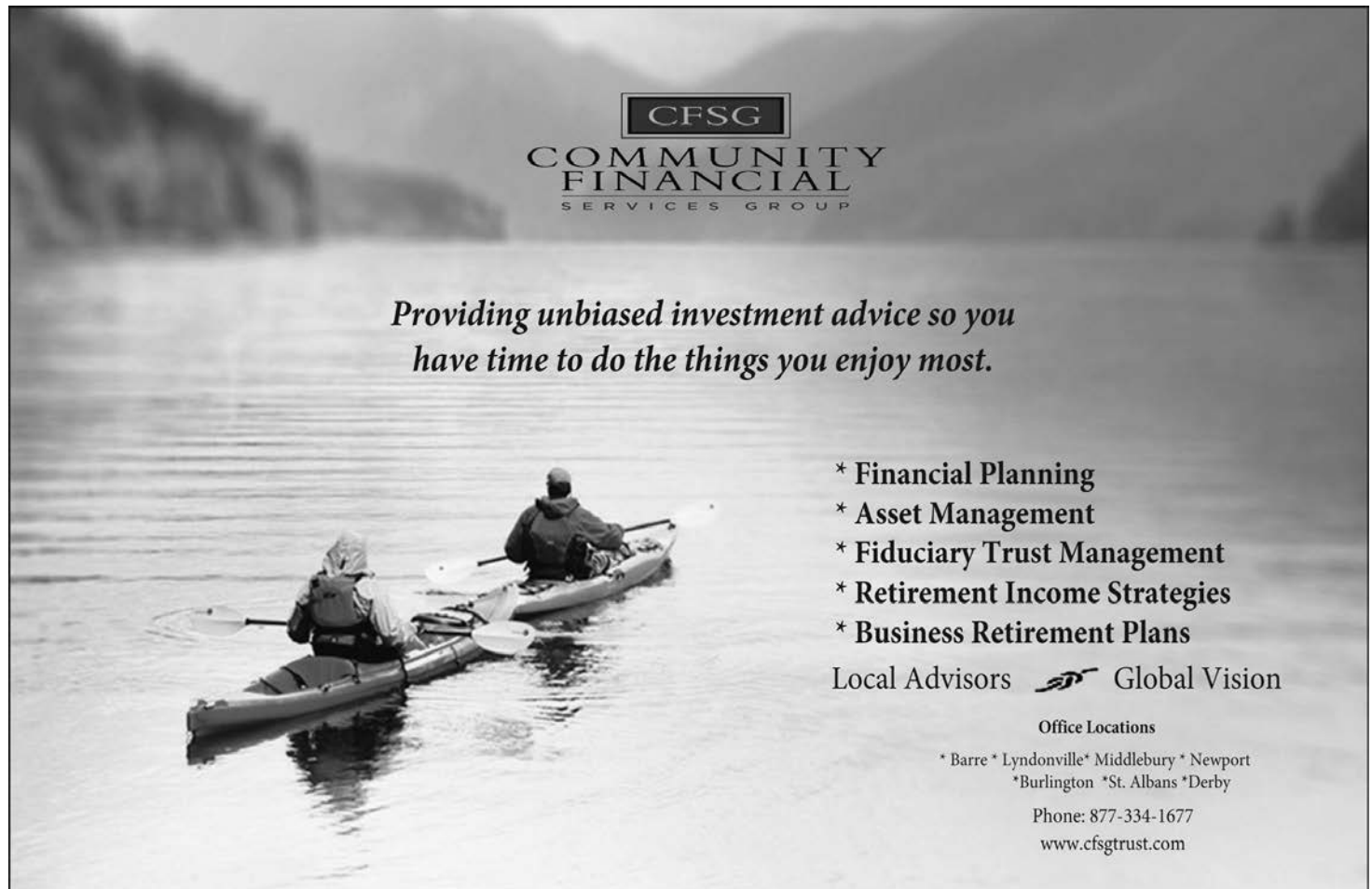
been good for me to have these different perspectives on life and the law.

KSV: Can you tell me a little about your duties as ABA Treasurer?

FL: The main responsibility for the Treasurer is to give the ABA financial report to the House of Delegates at the Annual and Midyear meetings, and also to report to the Board of Governors. Beyond that, I work with the CFO and financial team at the ABA on financial decisions and policy. The CFO is currently Beverly Pendowski who recently took over the role from her predecessor, Bill Phelan. She consults with me on certain decisions that require the Treasurer to be involved.

As Treasurer, and as an officer, I am on the Executive Committee which is made up of the officers and the chairs of the three Board Committees. I am a member of the Board of Governors where I serve on the Finance Committee. I am a member of the House of Delegates. I am also an ex officio board member of a number of affiliated entities, such as the American Bar Endowment, the American Bar Foundation and the ABA Fund for Justice and Education.


I served on the Sustainable Business Model Task Force last year. My biggest accomplishment may be that I was principally responsible for presenting the resolution to increase dues revenue that passed at last



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year's Midyear meeting.

It's a challenging position, made more challenging, by the recent termination by the Executive Orders of federally funded grants. But I work with fantastic people like the Executive Director Alpha Brady, the CFO Bev Pendowski and her team, including Evan Teitlebaum who makes sure I understand what I am talking about. The volunteer leadership, including the Officers and Board members, are also an impressive group of dedicated people. The people make it rewarding.

KSV: The ABA has been right out front in responding to challenges to the legal profession that have come from the Trump administration. Have you been involved in those efforts? Do you have thoughts to share on that topic?

FL: As a member of the Executive Committee and the Board, I have been involved in our decisions including decisions on participating in litigation against the administration. President [Bill] Bay's recent statements on the Rule of Law, the Independence of the Judiciary and the importance of not interfering with lawyers and law firms, are all based on existing policy of the ABA which comes from resolutions passed by the House of Delegates. I am extremely proud the ABA and President Bay for the courage to speak out in these diffi-

cult times.

KSV: And I know this is a very rare event, for Vermont to have one of our lawyers on the Board of Governors of the ABA – can you tell me a little about the history of Vermonters serving in ABA leadership?

FL: The third president of the ABA was Edwards John Phelps was from Middlebury, Vermont. He was a Middlebury College graduate in 1840 and served as ABA president in 1880-1881. Omer Fitts, of Brattleboro, was Chair of the House of Delegates in the early 1960s. I am the third Office of the Association.

KSV: What are your plans for your involvement in the organization once your term as Treasurer finishes up?

FL: My term ends in August of 2026 so I'm a little over halfway through my term. I have two more annual meetings and one more midyear ahead of me. Once I am done with that, I'll take some time to explore my options. I expect I will continue to have some role in the ABA, but I am not sure what that will be.

KSV: The ABA has a little bio of you on their website. It closes with, "Fritz is married to Adela, the Director of Assessment and Institutional Research at Middlebury College. And he still plays hockey." I want-

ed to make sure we present a fully rounded picture of you to VBJ readers. Can you share a little about your family life?

FL: Sure, Adela and I live in North Ferrisburgh with three dogs. Adela and I met in college at the University of Chicago and have been together for all the adventures since. She taught in the psychology at Middlebury College before moving into the administration as Director of Assessment and Institutional Research. We have adult twin children. Our son Sam lives in Boston with his fiancée Meghan. He is a product marketing manager for a cyber security company. Isabelle, our daughter, has been completing a two-year post-doc fellowship in Paris at SciencesPo. The big news in our family is that she is starting as an assistant professor at Middlebury College in the Sociology Department this fall.

KSV: That's fantastic. Congrats to her and the whole family. I know we really could have done this interview about your involvement in ice hockey, so before we close can you talk a little about that?

FL: I do still play. I have been playing with some of the same men and women for more than 20 years at this point. I played as a kid but didn't keep at it. When Sam started playing at the age of five, I caught the bug and began playing and coaching. I also got involved as a board member at

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various levels. I started with MAHA, the Middlebury Amateur Hockey Association, and later became president of VSAHA, the state youth hockey board. I then became a director of USA Hockey from the New England District for several years before I had to make a decision on whether to continue with USA Hockey or the ABA.

During the winter I play twice to three times a week, and once a week during the summer. The beauty of hockey at this point is that I play in games where no-one keeps score and everyone works to include everyone at all skill levels and to have fun and keep moving. I have learned from my colleagues it is possible to continue into your 80s, so I think I have at least another 20 years of skating ahead of me.

KSV: With all that history I have no doubt you will be out on that ice in your 80s. Thanks for doing this and for all your work on behalf of all us lawyers. Anything else you'd like to add before we wrap up?

FL: I've enjoyed doing this interview. I feel very fortunate to live and practice in Vermont and work with the lawyers here, both as a partner of Langrock Sperry & Wool and as a member of the Vermont bar. And I continue to now as a mediator here.


One of the biggest and maybe surprising benefits of my ABA involvement has been getting to know the members of the Ver-



mont bar better. For example, almost every year at ABA day since 2007 I have attended with the VBA president and President-Elect as well as the Executive Director. Through that I got to know and become friends with a lot of the VBA leaders over the years. This year, I got to spend a day with the current VBA President Josh Diamond as we visited the office of our Representative and both

Senators. We had a really good day together and now I consider him a friend.

There really is no better place to live and work than this place.

¹ See the Spring 2023 *Vermont Bar Journal* at p. 34, <https://www.vtbar.org/wp-content/uploads/2021/12/2023VBASpringJournal-2-reduced-1.pdf>. 



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WHAT'S NEW

2025 Mid-Year Meeting Recap

The VBA held its 2025 Mid-Year Meeting at the Equinox Resort and Spa in Manchester on March 28. A crowd of about 200 Vermont attorneys, judges, special guest speakers, and 20 meeting sponsors were on hand for a memorable day. The weather held, which is always a mercy for a meeting in Vermont in March.

The day followed the pattern that VBA members and friends have come to expect. It began with a continental breakfast with sponsors followed by CLEs and the Association's business meeting taking place during lunch. The format was business as usual, but a different mood was noticeable throughout. The unprecedented actions of the Trump administration were clearly on everyone's minds. These were addressed directly during the business meeting (more on that below). They provided a subtext to the CLEs and were the subject of hallway and lunch-table conversations.

The Morning

The day began with a novel attorney wellness program: "Musical Wellness for Attorneys." Mary Ashcroft, the VBA's long-time Legal Access Coordinator, was the prime mover behind the session. In addition to the many other roles Mary plays, she is a chorister. She opened the session by describing how her singing experience supports the science showing that singing is good for you. Mary introduced her choir

director, Alastair Stout. Alastair, a UK native, was educated in the great tradition of choral singing in his native country. He is an accomplished composer, organist, and choir director now based in Rutland. He managed to explain to the crowd of mostly non-singers how to sing ("enjoy those long notes!"), why to sing (it can provide a reset to the worst day), and the history of western choral music in about 45 minutes. And he got us singing.

After our music education, attendees heard testimonials from our colleagues about how singing improves their lives. Elizabeth Wohl, general counsel at the Brattleboro Retreat and an opera singer (and aerialist – see the "Pursuits of Happiness" feature in the winter 2025 issue of the VBJ for more about her), told the crowd how important singing was to her. She noted how not singing during one interval of her life made it worse (she course corrected) and how she sang in the elevators at DRM when she thought no one could hear (she was wrong, but we're pretty sure no one minded).

Andrew Manitsky, head of the VBA's Intellectual Property Section and a former VBA president, added his endorsement. Andrew is a professional musician with a love of pop music. He sings and plays the keyboards professionally with his band, B-Town. He suggested that we all should sing, even if it's just in the shower. He also advised us all to get high quality headphones

and listen to our favorite music. "You will hear things you have never heard before." Erin Gallivan, a former head of the VBA women's division (and one of Mary and Alastair's fellow choristers) rounded off the session. She described the trepidation she felt as a non-singer joining a choir and how her fears were quickly relieved. Erin reassured attendees that it wasn't necessary to be a great singer to get involved in group singing, and how enriching the experience was for her, not only as an artistic outlet, but as a great way to build community.

On that happy note, literally, the crowd moved, after a break, into a CLE titled, "State Courts and the Rule of Law."

The session was moderated by Vermont's Chief Superior Judge, the Hon. Tom Zonay (who also is a former VBA Board president). Judge Zonay is an experienced teacher, and he demonstrated the presence of mind and quick wit of the late Alex Trebek. He organized the session with current VBA President, Josh Diamond. Josh, a partner at Dinse, served as one of the two attorneys on the panel. He was joined by Eleanor (Ella) Spottswood, senior staff attorney in the litigation department at Planned Parenthood Federation of America. Prior to working for Planned Parenthood, Ella served as the Solicitor General for Vermont and also as Chair of the Vermont Judicial Nominating Board.

Two judges rounded out the panel: Vermont superior court judge, the Hon. Mary



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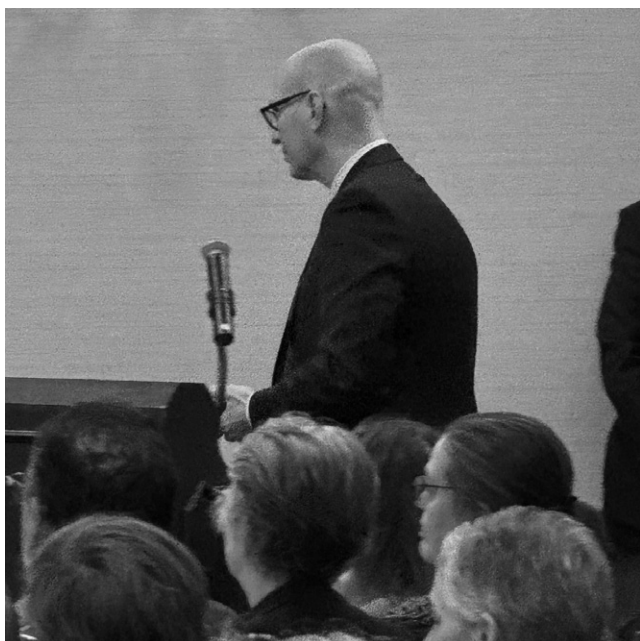
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Miles Teachout (Ret.) and the Hon. David Schenck. Schenck was recently elected as the presiding judge of the Texas Criminal Court of Appeals, the top criminal appellate court in Texas. Schenck made judicial ethics one of the issues in his campaign and he has family ties and a long deep connection to Vermont. (Full disclosure, he is your correspondent's brother). Ably led by Judge Zonay, the panel shared their views about the meaning of the Rule of Law, the challenges to it, and how those might be met by attorneys and by judges. For an hour and a half, the full house paid close attention. Phones down and engaged.

The third CLE offering of the morning involved a choice. Attendees could attend either, "Top 10 Tips for Vermont Appellate Practice" or go to learn more about the work of the Vermont Judiciary Committee on Artificial Intelligence and the Courts.

Bridget Asay of Stris & Maher, the head of the VBA section on Appellate Practice (and another former Solicitor General of Vermont), organized and moderated the Supreme Court session. She was joined by Vermont Supreme Court Chief Justice Paul Reiber and Associate Justice Nancy Waples.

The panel for the Judiciary Committee on AI included Vermont Supreme Court Associate Justice William Cohen, who is the Chair of the Committee. He was joined by four other committee members including State Court Administrator Teri Corsones, Ott Lindstrom, an attorney at Paul Frank + Collins, Prof. David Stein of Northeastern University, and the Hon. Alexander Burke. The VJCAIC submitted its First Annual Report to the Vermont Supreme Court on March 1, and the session allowed attorneys to have a back-and-forth with the panel about the report and next steps.

Business Meeting

It was then time for lunch and for Association business. Josh Diamond took the podium, and, after getting through the preliminaries (accepting the minutes from the previous meeting and approving the treasurer's report) he read the names of those Vermont lawyers and judges lost since our last meeting. Josh asked the crowd to observe a moment of silence for them.

Elections 2025

Members were asked to vote to confirm two interim appointments made by the Board since the last meeting. Long-time treasurer Ted Tyler resigned last fall, and the Board chose Kate Lamson to fill the remainder of Ted's term. Likewise, board member Rich Cassidy was elected to President-Elect and Keith Roberts had been chosen to fill the remaining term of Rich's board seat. The membership confirmed the appointments unanimously on a voice vote.

It remained then to elect the slate of officers and board members for the coming term. There were four uncontested races and no nominations from the floor. All those nominated were confirmed on a voice vote. They are:

- President Elect: Jordana Levine
- Treasurer: Matt Valerio
- Secretary: Kate Lamson
- At-Large one-year seat: Keith Roberts
- At-Large two-year seat: Elizabeth Miller
- At-Large two-year seat: Jessica Bullock

There was one contested race for an open two-year seat for a member-at-large. The candidates were Mitch Rotbert and Colette Schmidt. Both addressed the crowd briefly about their reasons for wishing to serve and providing a bit about their backgrounds. Ballots were filled out and VBA staff gathered them while lunch continued. The result was available before the meeting adjourned with the seat going Colette Schmidt. Colette will take her seat in October.

Response to National Events

On Feb. 27, 2025, the VBA Board of Managers released a statement in support of the Rule of Law. The statement was issued response to Trump administration actions inimical to the Rule of Law. The Statement was included in the meeting packets for review by members at the meeting. A motion was made and seconded for the Association to endorse the board's statement. Josh called for discussion. There was none. The vote was called, and the statement was endorsed unanimously. Sen. Welch's remarks are also on p. 22.

Josh then turned the podium over to Vermont Supreme Court Chief Justice Paul Reiber. Justice Reiber had asked to address the business meeting. He noted he felt compelled to take this highly unusual step because of the unprecedented actions of the Trump administration regarding the Rule of Law and the legal profession. The Chief's remarks were met with a standing ovation. Justice Reiber's notes on his remarks are on p. 22.

After thanking the Chief and noting his own pride in our Bar, Josh introduced a recorded message from Vermont Senator Peter Welch. Welch also sounded the alarm on threats to the judiciary, the legal profession, and the Rule of Law and encouraged Vermont's attorneys to step up to the challenges that were being presented. A link to Welch's statement is also in this issue.

Pro Bono Award

The Pro Bono Award is presented annually by the VBA's Board of Bar Managers to recognize an attorney or attorneys who have provided extraordinary legal services to indigent and disadvantaged clients in our community. This year the award went to Sheilagh Smith, Esq. of Chelsea. Smith was nominated by Probate Court Judges Jeffrey Kilgore and Kathryn A.C. Kennedy. Both judges highlighted Smith's exemplary work in more than 40 pro bono cases over the last three years, often representing the respondent in involuntary guardianship cases. The judges noted her thorough preparation, dedication to her clients, and willingness to go the extra mile.

Smith was on hand to receive the award with thanks from Josh and from the appreciative crowd.

Reports, And A Call to Action

The program was then handed over to representatives of the Vermont Bar Foundation. Hannah King, the executive director, reported on Foundation's work on grants and IOLTA accounts, among other matters. She invited the audience to VBF's "Justice Social" on May 1 from 5-7 PM at Foam Brewers at 112 Lake Street in Burlington. (See her Executive Director's Report in this issue). King then introduced the current poverty law fellow, Deanna Hartog, whose project this year is to address legal issues impacting homelessness. Deanna gave an update on her work.

Next was Elizabeth Kruska, the VBA's Delegate to the ABA. She reported briefly on the ABA meeting held this year in Chicago. In addition to providing some highlights of the national meeting (attorney wellness initiatives were debated – wellness prevailed), Elizabeth introduced the VBA's own Fritz Langrock. Fritz is currently serving as Treasurer for the ABA.

It was then time on the agenda for "New Business" and Josh invited Bennington attorney David Silver to the podium. Silver is part of a group of attorneys who have been organizing a march in support of the Rule of Law that will take place on May 3 in Burlington. David provided details of the march and a related statement. He urged all to attend and to get involved. The group is seeking attorney signatures to the statement. You can find out more about the march and the statement on the VBA website by clicking on the "Rule of Law" banner.

We were running a little behind by then and with no further new business called and no more old business, the meeting was adjourned. Desert hadn't made it out of the kitchen, so it was brought downstairs, outside of the ballroom where the day's final CLEs were held.



The Afternoon and Close of the Day

Kevin Lumpkin, partner at Sheehey Furlong & Behm P.C., gave the crowd an excellent hour on "Hot Topics in Ethics." Kevin is a puzzle master, as you may know from his crossword and other puzzle contributions to the Vermont Bar Journal. Ethical quandaries are right up his street, and he has a way with a crowd.

The final CLE of the day was, "State Constitutional Law in an Age of Dramatic Federal Constitutional Change." It was led and organized by Rod Smolla, President of Vermont Law and Graduate School. The topic was timely, and the panel was outstanding: a trio of scholars with national reputations. President Smolla, himself a constitutional

law expert, was joined on stage by Douglas Keith, senior counsel in the Judiciary Program at the Brennan Center at New York University. Keith works primarily to promote fair, diverse, and impartial court. On screen was Jeffrey Sutton, Chief Judge of the Sixth Circuit Court of Appeals. Sutton, who is based in Ohio, appeared via zoom. We were honored and pleased to have him even if he couldn't come in person. (Maybe next time). Sutton is generally recognized as the leading expert on state constitutional law issues in the country. One attendee commented that she could have listened to him talk for an hour. That sentiment was general.

With the conclusion of Con Law CLE, the day in Manchester ended. As has been

the practice since in-person VBA meetings resumed post-pandemic, however, we followed the hotel meeting with our Basic Skills program via Zoom the following week. Basic skills was sponsored once more by ALPS, and each of the five programs were very well attended, with 50 to 70 attendees in each session.

Thanks to all our presenters and to all who attended on March 28 or the post-meeting remote sessions. We will see you for the Annual Meeting on **Sept. 26th at the Hotel Champlain** (formerly the Hilton Lake Champlain) in Burlington. Recordings of the CLEs presented in Manchester are available in the VBA digital library. 📺

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Vermont is gasping for attorneys in many substantive areas of the law and in many areas of the state – but the need is particularly acute right now for immigration law attorneys.

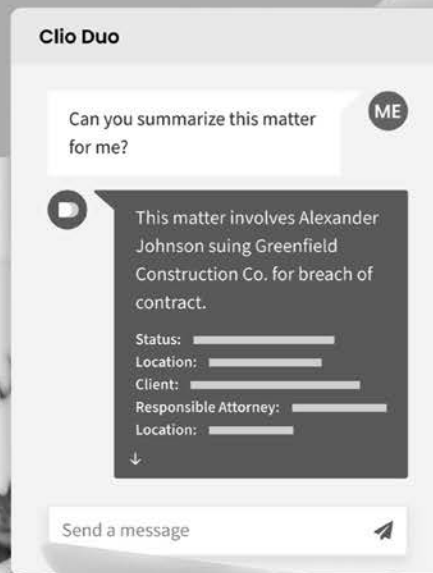
Can you help? The VBA has some Immigration Law CLE programs in our digital library that we will make available, for free, to any attorney considering signing up to take immigration cases through the LRS. (Please contact us at info@vtbar.org, noting your interest in signing up for the LRS, and we can provide the links). The VBA will also waive the \$75 membership fee.

We will also be working with our Immigration Law section heads, Jill Martin Diaz of the Vermont Asylum Assistance Project (VAAP), and Becky Fu von Trapp of von Trapp Law, to help attorneys and the public grapple with the issues that are daily being raised.

While you're here, the VAAP website has some excellent resources regarding immigration law that you might want to check out. <https://www.vaapvt.org/>

Thanks for considering. We hope to add as many Vermont attorneys as possible to our immigration law panel. For more information about the LRS, please email Tom Barrett: tbarrett@vtbar.org.

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WHAT'S NEW

Chief Justice Paul Reiber's Notes on His Remarks to the VBA Mid-Year Meeting, March 28, 2025

Thank you, Josh.

Some years ago, Judge Skip Mahady joined our Rutland County annual meeting and was asked to comment on the state of the justice system in Vermont. This followed a 6-month suspension of all civil jury trials state wide by the Vermont Supreme Court. Skip got up to speak and pulled out a paper from his suit pocket and said, "You have asked me to comment. Here is a letter I just received from a friend who is a judge in Columbia, South America, who I met at the National Judicial College training we both attended. The training lasted a matter of weeks. She was there with her husband and, Skip said we became friends. Reading the letter, Skip noted that she remarked on the lawlessness in the streets of the city, drug lords taking account of adversaries in open daylight. To this extent she wrote: my husband and I are fearful that men with guns will come in the front door. We have now made arrangements to escape, we have set up bank accounts in Florida and Texas.

Then Skip said, putting the paper back in his pocket, "You asked me about the state of our system....it's not that."

Today, I am not sure I can say the same thing. Let me start this way:

The Rules of Prof Conduct state (in the Preamble)

As a public citizen a lawyer should seek improvement of access to courts; Lawyers play a vital role in the preservation of society.

AND

My judicial ethics state judges shall uphold the integrity of the system. (The system is both state and federal courts and bar).

Currently, it appears there is an effort in Washington D.C. to destroy the public's faith in the courts, in our system of justice, in this country. See comments from across the land.

There is a misuse of power.

The President through a series of Executive Orders seeks to erect barriers to lawyers who represent clients who disagree with him.

No prior administration has taken such concerted action against the Bar, an effort to erode an institutional pillar designed to check abuse of power.

The Executive Orders regard: (1) 20 law firms the EEOC has targeted for their DEI programs to investigate and (2) public interest firms that have taken on clients who wish to test the boundaries of executive power.

Both actions have created a sense of retaliation and intimidation.

Intimidation of the Bar is a threat to us all.

As the NYT reported this week, in 2001 Justice Anthony Kennedy wrote: "An informed independent judiciary presumes an informed independent Bar."

And, if the Orders were not enough, there are those in Congress filing for articles of impeachment against federal judges. As Chief Justice Roberts said, appeal is the proper avenue for decisions you disagree with.

And even this---the Speaker noted that Congress has the power to eliminate federal districts and defund federal jurisdictions.

The federal executive branch, the President, is not the arbiter of truth.

And his language that targets law firms that says they can redeem themselves by refusing to represent parties who are the subject of his attacks is abhorrent to what we as a profession stand for.

At a recent event for the forthcoming Ken Burns documentary on the Revolutionary War, there was a panel of historians following the screening. One said, the Founders, 250 years ago, found the courage to place principle over personal interest. Now it's our turn. 🇺🇸

WHAT'S NEW

Senator Welch's Remarks to the Vermont Bar Association Mid-Year Meeting

Hi, Peter Welch here. I am so proud to be appearing before the VBA at its annual spring meeting. Something I really enjoyed when I was a lawyer in Vermont attending.

And I want to say this to each of you and it's from the bottom of my heart. It has never been more important the role that lawyers will play in America to protect our democracy. These are really tough times in D.C., and I don't need to remind you that we are on the verge of a constitutional crisis, and that more than ever before, the rule of law itself is being challenged.

In the past two months, the president

has repeatedly taken actions in conflict with the Constitution and has consistently shown deep disrespect for the judicial and legislative branches of government. That's not just an ego thing. That's about the checks and balances that are so essential to the well-being of our democracy. The president, in contravention of the authority of Congress, has impounded money, something that our Supreme Court held to be illegal when Nixon tried to do it. He's fired 17 Inspector Generals in complete contradiction of the explicit language in the statute. No notification to Congress. He's fired

Democratic commissioners on the Federal Trade Commission, an independent agency, and fired also Labor Relations Authority personnel and more. And the President and J.D. Vance, his vice president, has repeatedly, just disregarded district court orders and challenged judges who ruled against them, calling them vile names and saying they should be impeached.

The judicial branch is now playing a critical role, and it's going to require lawyers to advocate for the protection of the constitutional and democratic rights of all of our citizens. Attorneys, judges, and judicial staff

are standing up to the president's overreach and unconstitutional behavior.

Last week we had another very disturbing reminder that the president is using the authority of his office to go on a vengeance tour. He singled out Paul Weiss, a major law firm, as you know, in New York, because it had represented somebody that the president didn't like. So he used the enormous power of the presidency to threaten that law firm. So much so that it could actually go out of business unless they capitulated to the President's demands. Can you imagine a governor of Vermont or a governor of any state doing that to a law firm because of who they represented? I mean, I was a public defender. Think about what would happen there. This is really unprecedented.

You know, when I was first elected to Congress, I never thought that I'd need to worry about the rule of law in the United States. But the threat to democracy today, it's real and it's imminent. And I really, really thank each and every one of you in Vermont

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for your steadfast commitment to democracy, to three co-equal branches of government, to equity and fairness and to the rule of law. I look forward to seeing you in Vermont. I'm so proud of our Vermont Bar and

your commitment to justice in serving the citizens of our state, and the rule of law and the Constitution.

Thank you. 🙏

WHAT'S NEW

Board of Managers Statement on the Rule of Law

The Board of Managers of the Vermont Bar Association has adopted the following statement:

The Vermont Bar Association (VBA) honors its mission:

[To] promote[] the highest standards of skill, ethics and professionalism within an inclusive legal profession; foster[] understanding and respect for the rule of law; support[] equal access to a fair and effective system of justice; and provide[] valuable resources to its members.

The VBA stands in support of the rule of law, an impartial and independent judiciary, and the separation of powers amongst the co-equal branches of government. Our

nation was built on these principles, and our commitment to these democratic ideals remains steadfast.

The VBA condemns acts that undermine our democratic checks and balances and denounces attacks upon the judiciary. We express our unwavering support for an independent judiciary. Respect for the rule of law is essential to the functioning of our democratic society, justice, and the protection of individual rights and liberties. Everyone stands subject and accountable to the law. We remain committed to ensuring all Vermonters have access to the judicial process and that the process remains fair and equitable.

The VBA affirms its dedication to its mission and our time-tested system of American government. We will continue our efforts to serve our membership, create a welcoming and inclusive environment, and promote the rule of law while respecting the diverse perspectives of our membership and remaining a non-partisan organization.

Issued 2/27/2025 - Endorsed by the Membership at the Mid-Year Meeting, Manchester, VT 3/28/25. 🙏

WHAT'S NEW

Young Lawyers Division Election Results

The VBA Young Lawyers Division, which has its own board and officers, also held their meeting and election at the Mid-Year Meeting in Manchester on March 28.

The results:

- Past Chair – Justin Brown
- Chair – Ryan Long

- Chair Elect – Kathy Zhou
- Treasurer – Zach Dayno
- Secretary – Colette Schmidt
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The YLD has three members who also serve on the VBA board – the past chair,

the current chair, and the chair elect. Brown, Long, and Zhou are the three who will represent the YLD on the Board, effective immediately. 🙏

WHAT'S NEW

Vermont Bar Foundation Updates

Happy spring, everyone! I hope the season is off to a great start for you. It's been a pleasure meeting so many of you at various bar events and connecting virtually, and I look forward to continuing those conversations and meeting even more of you in the months ahead.

For those I haven't had the chance to meet yet, I'd like to introduce myself. My name is Hannah King, and I am honored to serve as the new Executive Director of the Vermont Bar Foundation. While I'll address the elephant in the room—I am not a lawyer—I am deeply committed to Vermont's legal community and to expanding access to justice for all Vermonters.

Before stepping into this role, I served as Deputy Campaign Manager and Finance Director for Congresswoman Becca Balint. I've also worked as the Business Development and Communications Director for the Lake Champlain Chamber of Commerce and served in public office as a Burlington City Councilor. Through these experiences, I've witnessed firsthand what happens when critical services are underfunded and our most vulnerable neighbors fall through the cracks.

That's why I'm so passionate about the work of the Vermont Bar Foundation. Access to justice isn't an abstract goal, it's essential to a fair and functioning society. I'm excited to work with all of you to strengthen and support Vermont's justice community in the months and years ahead.

Board Updates

We're thrilled to announce some exciting changes to the Vermont Bar Founda-

tion Board. Following the appointments of Bonnie Badgewick and Timothy Doherty to the Superior Court, we welcomed Lisa Campion as our new Board President.

We're also delighted to welcome three new board members: Becky Fu von Trapp, Rachel Towe, and Celeste Lamerie. We are so grateful for their dedication to advancing access to justice in Vermont and look forward to their contributions to our mission.

Vermont Bar Foundation Updates

It's been a busy and exciting few months for the Vermont Bar Foundation! We've kickstarted our committees, and each has been hard at work:

- **IOLTA Committee:** Evaluating how Vermont's IOLTA system compares to those in neighboring states to ensure we're maximizing our impact.
- **Grants Committee:** Carefully reviewing applications for the 2025–2026 grant cycle to meet the urgent needs of our justice partners during these turbulent times.
- **Promotions & Revenue Committee:** Planning events and programming to expand our reach, raise funds, and build community support.

If you're interested in getting involved with the VBF and serving on a committee please reach out at hannah@vtbarfoundation.org. We'd love to have your support!

In partnership with Congresswoman Becca Balint's office, we recently hosted a **Justice Roundtable**, which brought together



justice organizations to discuss pressing challenges, including the potential loss of federal funding, and foster open conversations about the struggles facing Vermont's justice system.


Save the Dates

We have two exciting events coming up, and we'd love for you to join us! More details and RSVP links can be found at vermontbarfoundation.org.

- **Justice Social**
May 1, 2025 | 5:00 PM
Foam Brewers, 112 Lake Street, Burlington, VT
- **VBF Night at the Lake Monsters**
June 6, 2025 | 6:30 PM
Centennial Field, 287 Colchester Ave, Burlington, VT

Stay Tuned


A heartfelt thank you to everyone who continues to support the Vermont Bar Foundation. I'm incredibly proud to be part of a community so deeply committed to justice. Every dollar you donate, event you attend, and post you share makes a real difference. Let's keep working together to ensure that all Vermonters have access to the justice they deserve. 🙌


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BE WELL

Cultivating an Identity and Interests Outside of Your Career Is Key To Wellbeing

A common first question when people meet each other is “what do you do?” While an easy icebreaker, this initial introduction provides only a small snapshot into who someone is. Without a doubt, our careers are important facets of our identities: whether it’s because someone finds meaning in their career through personal development, contributions to society, or the financial stability it provides. Someone’s job also takes up a large portion of their time, and it’s fulfilling to work hard to achieve more at work.¹ Despite this, cultivating a sense of self outside of a career is also important. Pursuing other passions and spending time with a partner, family, friends, and pets can create a greater work-life balance and provide other areas of fulfillment, happiness, and/or satisfaction in our lives.

Family and Friends

In general, people with a community have better mental health. These people are important to building a healthy network. Whether it’s someone you call when you get a big win or when you experience something devastating, it’s important to have those people. It’s also meaningful to be a part of your family and friends’ lives.

A person’s partner or spouse is also integral to their health and wellbeing. Being married and having a happy marriage is positively associated with better mental and physical health.² Happily married or partnered individuals generally have better overall health and greater life satisfaction than those who are not married.³

Healthy familial relationships are also integral to wellbeing. Healthy intergenerational relationships, such as those between parents, children, and grandparents, provide social support, stress relief, and socialization that positively affect well-being.⁴ Close, healthy familial relationships can also create a sense of meaning and purpose in someone’s life.⁵ Likewise, close and healthy sibling relationships also positively affect well-being.⁶

Having close friends also significantly improves someone’s mental health and physical health.⁷ For example, people with close friends generally have lower stress levels than those without friends.⁸ For those without close familial relationships, friends can also become a “found family.”

Those strong relationships outside of work help people build strong bonds and

create a life and support system outside of their job. In addition to being an employee, people can find meaning in being a parent, child, partner, or friend.

Pets

Spending time with an animal companion can create happiness and lower stress. I personally am happiest when I have my cat on my lap! Time with pets decreases stress, lowers blood pressure, and reduces loneliness.⁹ Likewise, social interactions between people and their pets creates oxytocin, which increases feelings of wellbeing, connection, and love.¹⁰ Caring for a pet can also create a sense of happiness. Personally, I am happy that I adopted my cat from a shelter and that I give her a nice home with lots of toys and treats.

Time in Nature and Gardening

Time spent in nature and gardening helps connect us to the natural world. Whether that’s being active in nature by summiting Mount Mansfield or observing the slow growth of a flower, this creates a sense of connection to the world, ourselves, and nature. Studies have shown this reduces stress, improves attention, and boosts moods. Connection with nature increases happiness.¹¹ Particularly in a busy world, nature can act as a way to get away from the grind.¹² Even if someone is inside, viewing nature through a window can also provide stress relief and greater job satisfaction.¹³

Exercise

Whether it is pumping iron in the gym, running outside, or participating in a group activity, exercise has lots of benefits. Exercise is proven to reduce anxiety and depression.¹⁴ Exercising also releases feel good brain chemicals, such as serotonin and dopamine.¹⁵ These neurotransmitters can help reduce stress and make us happier.¹⁶ Exercise can also overlap with other mental health boosters, such as spending time with friends, family, or pets and getting outside.

Exercise also provides important physical benefits, such as improving cardiovascular health, helping with better sleep, and increasing endurance.¹⁷ Exercise helps to strengthen bones and muscle, which is particularly important as people age.¹⁸

Overall, exercise is integral to mental and

physical health, and the two are intertwined. Joining a group sport or doing something you enjoy, whether that’s yoga or playing pickleball, also helps create an identity outside of just being a “lawyer.” For example, I practice yoga, so I am an attorney and a yogi.

Creativity

Being creative is also extremely beneficial to humans. Whether it’s painting, sewing, crocheting, telling stories, playing music or something entirely new and different, being creative improves mental health. Making art and being creative increases serotonin levels and blood flow, helps create new ways of thinking, and allows the artist to imagine.¹⁹ People can also be creative together with others, which increases social bonds while providing a creative outlet. Art, music, storytelling, etc. can also give the artist a way to express themselves that words cannot provide. Whether someone is experiencing joy or sadness, their creativity can give them a way to express it.

Conclusion

Those who cultivate various areas of their life can appreciate the facets of their identities that are separate from their job. This creates a more balanced sense of self, while also giving the individual multiple avenues to feel happiness and satisfaction with life. Even if I have a hard day at work, I can come home to see my cat and partner, who bring me happiness. Or, I can feel accomplished that I went to an exercise or yoga class or that I crocheted something. The categories above—family and friends, pets, nature, exercise, and creativity—are just a few ideas someone can use to explore their interests and identities outside of their job. Anything that brings you joy or makes you curious is a good path to follow. If you are struggling to find a passion, think about something that would have brought you joy as a child or try tackling something you have always wanted to try.

Julia Guerrein, Esq., is an associate attorney at Cooley, Cooley & Foxx, Inc., in Burlington, Vermont, and she serves as co-chair of the Vermont Bar Association Attorney Well-Being Division.

¹ See Jenn Koretz, *What Happens When Your Career Becomes Your Whole Identity*, Harvard

Business Review (Dec. 26, 2019) <https://hbr.org/2019/12/what-happens-when-your-career-becomes-your-whole-identity>

² Charlie Huntington, et al, *Happy, Healthy and Wedded? How the Transition to Marriage Affects Mental and Physical Health*, J Fam Psychol. (Sept. 2, 2021) <https://pmc.ncbi.nlm.nih.gov/articles/PMC8888778/#:~:text=Past%20research%20indicated%20that%20married,sectional%20analyses%20support%20these%20observations.>

³ *Id.*

⁴ Patricia A Thomas, et al, *Family Relationships and Well-Being* (Nov. 11, 2017) <https://pmc.ncbi.nlm.nih.gov/articles/PMC5954612/#:~:text=Stress%20process%20theory%20suggests%20that,leading%20to%20higher%20well%20being.>

⁵ *Id.*

⁶ *Id.*

⁷ *Friendships: Enrich your life and improve your health*, <https://www.mayoclinic.org/healthy-lifestyle/adult-health/in-depth/friendships/art-20044860> (last visited March 5, 2025).

⁸ Zara Abrams, *The science of why friendships keep us healthy* (June 1, 2023) <https://www.apa.org/monitor/2023/06/cover-story-science-friendship>.

⁹ *The Power of Pets*, National Institutes of Health <https://newsinhealth.nih.gov/2018/02/power-pets> (last visited March 6, 2025); *Health benefits of pets: How your furry friend improves your mental and physical health*, UC Davis Health <https://health.ucdavis.edu/blog/cultivating-health/health-benefits-of-pets-how-your-furry-friend-improves-your-mental-and-physical-health/2024/04> (last visited March 6, 2025).

¹⁰ *The Friend Who Keeps You Young*, Johns Hopkins Medicine <https://www.hopkinsmedicine.org/health/wellness-and-prevention/the-friend-who-keeps-you-young#:~:text=Research%20has%20shown%20that%20simply,that%20bonds%20mothers%20to%20babies.> (last visited March 6, 2025).

¹¹ Kirsten Weir, *Nurtured by nature*, American Psychological Association (April 1, 2020) <https://www.apa.org/monitor/2020/04/nurtured-nature>; Sara Youngblood Gregory, *The mental health benefits of nature: Spending time outdoors to refresh your mind*, Mayo Clinic (March 4, 2024) <https://mayoclinic.org/mental-health/the-mental-health-benefits-of-nature-spending-time-outdoors-to-refresh-your-mind/>.

¹² *Time spent in nature can boost physical and mental well-being*, Harvard T.H. Chan School of Public Health (Jan. 2, 2024) <https://hsph.harvard.edu/news/time-spent-in-nature-can-boost-physical-and-mental-well-being/>.

¹³ Gregory N. Bratman, et al, *The impacts of nature experience on human cognitive function and mental health*, Ann. N.Y. Acad. Sci. at 130 (2012).

¹⁴ Ashish Sharma, et al, *Exercise for Mental Health*, Prim Care Companion J Lin Psychiatry (2006) <https://pmc.ncbi.nlm.nih.gov/articles/PMC1470658/>.

¹⁵ Gary Fry, *Exercise is a Boon for Your Mental Health* https://www.americanbar.org/groups/senior_lawyers/resources/experience/2025-january-february/exercise-boon-your-mental-health/.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Benefits of Physical Activity*, Centers for Disease Control (last visited March 5, 2025) <https://www.cdc.gov/physical-activity-basics/benefits/index.html>; *Physical Activity*, World Health Organization (last visited March 5, 2025) <https://www.who.int/news-room/fact-sheets/detail/physical-activity>.

¹⁹ *The intersection of art and health: How art can help promote well-being*, Mayo Clinic Press (Oct. 16, 2023) <https://mayoclinic.org/living-well/the-intersection-of-art-and-health-how-art-can-help-promote-well-being/>; Eva Amsen, *Arts And Crafts Improves Mental Health, Finds New Study*, (Aug. 16, 2024) <https://www.forbes.com/sites/evaamsen/2024/08/16/arts-and-crafts-improves-mental-health-finds-new-study/>.

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Gender Markers in U.S. Passports and Vermont IDs: Advising Clients in a Rapidly Developing and Uncertain Landscape

President Trump's recent Executive Order 14168, concerning gender markers in U.S. Passports, has created confusion among attorneys and passport holders as to whether certain passports remain valid. Based on current informal guidance by the U.S. Department of State (DOS), as of the date of this writing, those passports remain valid but cannot be renewed such that the marker does not match the holder's "biological sex." How DOS and other agencies will confirm "biological sex" remains to be precisely seen, and pending litigation may bring Executive Order 14168 into question. Until then, the current delays experienced by passport renewers demonstrate that passport holders should refrain from renewing passports not otherwise expired or expiring, particularly if intending to change their designated gender marker. However, most Vermont driver and non-driver ID holders have no present reason to modify their state documentation.

This article provides the basic history of U.S. Passport gender markers, the impacts of Executive Order 14168, and gives caution to attorneys advising clients with otherwise-valid passport holders intending to renew their passport to change gender markers.

History of U.S. Passport Gender Markers

For many years, the DOS took a "binary approach"—as the Tenth Circuit described—to identifying a passport applicant's sex.¹ Passports did not contain a "gender" or "gender identity" designa-

tion, instead characterizing all applicants as either "male" or "female" under the "sex" designation.²

This changed under the Biden Administration in the aftermath of litigation brought by Dana Zzyym, an intersex passport applicant and U.S. Navy veteran.³ Before President Biden's DOS began updating its procedures in mid-2021, passport applicants were required to submit medical certification if their self-selected sex did not match the sex or gender listed on supporting identity documents.⁴ On June 30, 2021, the DOS began allowing applicants to self-select their "gender"—rather than "sex"—as either M or F, without the need for medical certification.⁵ On October 27, 2021, the DOS issued Dana Zzyym the first ever U.S. Passport with a third "X" gender marker.⁶

The Current Situation

On January 20, 2025, the date of his second inauguration, Trump signed Executive Order 14168, titled "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government."⁷

Among other things, the Order provides for definitions of "men" and "women" that correspond to "male" and "female," respectively, and directs the Executive Branch to "enforce all sex-protective laws to promote" those definitions.⁸ The Order further states that:

The Secretaries of State and Homeland Security, and the Director of the Office of Personnel Management, shall

implement changes to require that government-issued identification documents, including passports, visas, and Global Entry cards, accurately reflect the holder's sex, as defined under section 2 of this order Agency forms that require an individual's sex shall list male or female, and shall not request gender identity.⁹

The Order also revoked several Biden Administration Executive Orders aimed at protecting LGBTQ+ rights.¹⁰

As of this writing, the DOS has published minimal guidance on the scope of Executive Order 14168's impact on federally issued government documents such as passports.¹¹ Information about changes to DOS procedure has primarily been obtained via internal memoranda reported by the press. On January 23, 2025, the Guardian reported on an internal cable from newly appointed Secretary of State Marco Rubio directing that "sex, and not gender, shall be used" in official DOS documentation such as passports.¹² DOS staff were ordered to immediately "suspend any application requesting an X sex marker" or "where the applicant is seeking to change their sex marker."¹³

In response to press inquiries, the White House confirmed that the Executive Order is not retroactive, and that existing passports remain valid.¹⁴ However, Rubio indicated in his cable that "guidance on existing passports containing an X sex marker will come via other channels."¹⁵

The only guidance provided over the months since is contained on the DOS website: "All passports - including those with an X marker or those listing a sex different from your sex at birth - will remain valid for travel until their expiration date, under International Civil Aviation Organization (ICAO) policy."¹⁶ Assuming this policy stands, a "passport will remain valid until its expiration date."¹⁷

Reasons for Concern

The current federal guidance remains confusing and uncertain, to say the least. While it's clear that "X" gender markers on passport renewals and applications will no longer be processed, confusion exists in the case of individuals renewing, applying, or looking to modify passports between

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the "M" and "F" markers. For instance, if an applicant assigned female at birth had a passport with an "F" marker, then submitted the pre-2021 medical certification required to change their passport to "M," can they renew their passport with "M"? Or is that individual required to revert to using "F" per the language of Executive Order 14168?¹⁸ Ironically, the latter would amount to a "change" of the Marker, which Rubio's internal cable specifically prohibits. Meanwhile, the White House now asks passport applicants to state their "God-given sex, which was decided at birth,"¹⁹ while also stating that "changes" to existing passport gender markers are prohibited.

Furthermore, is the pre-2021 "medical verification" requirement for changes between the "M" and "F" markers in effect again? Neither Executive Order 14168 nor the Rubio cable address this issue. None of the rescinded Biden Executive Orders involved the "medical verification" requirement. It remains unclear if individuals looking to change between the "M" and "F" markers—even if changing to the marker that corresponds to their assigned sex at birth—will require certain medical evidence, certifications, or verifications.

Finally, Executive Order 14168 directs certain agencies to require government documents to "accurately reflect the holder's sex";²⁰ but will TSA employees be

asked to somehow "confirm" air travelers' sex as defined by the Order? How these agencies will practically enforce this directive remains to be seen.

Clearly, the legal landscape is uncertain and rapidly changing. Federal litigation has already commenced regarding the Executive Order. On February 7, 2025, the ACLU filed a class action complaint against the Executive Branch for preliminary and final injunctive relief against enforcement of the Executive Order based on both Administrative Procedure Act ("APA") and constitutional violations.²¹ In that case, *Orr v. Trump*, a hearing on preliminary injunction was held on March 25, 2025, and a decision remains pending as of the date of this article submission.²² Regardless, whether a final injunction will be granted will likely take several months to resolve.

The minimal caselaw on the issue of gender markers in passports provides little guidance as to the expected result of *Orr*. The *Zzyym* cases never reached the constitutional issues presented and were instead decided on Chevron-era²³ interpretations of the APA.²⁴ Whether *Bostock v. Clayton County*, in which the Supreme Court held that certain Title VII protections extended to cover sexual orientation and gender identity,²⁵ supports constitutional protections for passport holders remains to be seen.

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Therefore, at least as of this writing, most passport holders should not do anything if they already have a valid passport, even if the passport has the "X" gender marker. Now is not the time to change gender markers by renewing passports early. Due to the confusion and uncertainties surrounding Executive Order 14168, many Americans worried about the current and future validity of their passports since January 20 have submitted requests to change their gender markers. Many are experiencing significant delays in passport renewal and application processing. It is not as simple as applications and renewals being immediately returned due to the impact of Executive Order 14168. New passport applicants in particular are seeing their supporting documents—such as birth certificates and gender change court orders—now being held by the government because the applications were put on "hold."²⁶

While a "wait and see" approach is also supported by the prolific LGBTQ+ civil rights organization Lambda Legal,²⁷ the situation is subject to rapidly developing changes in agency rules and guidance. Even if the District Court in Orr grants a preliminary injunction, that will not address the apparent backlog of passport renewals and applications. Attorneys confronting this issue are encouraged to explore developments that may have occurred since this writing.

**State-Issued Documentation
in Vermont**

Unlike the federal government, Vermont is not planning to change the procedure for changing gender markers on driver and non-driver IDs. Vermont IDs still allow for three gender marker options: "M," "F," and "X."²⁸ There is no political indication from Montpelier of any change. However, it should be noted that use of a Vermont ID may not comply with the recent DOS guidance that passport applicants must "submit certain documents and records to help us establish your biological sex for your new passport."²⁹ Whether this guidance impacts passport renewals remains to be seen.

New passport applications already require independent proof of citizenship, which a state ID does not inherently provide. Generally, U.S.-born citizens must submit a birth certificate,³⁰ and non-U.S.-born citizens must submit the appropriate citizenship certificate(s).³¹ Individuals with a Vermont ID applying for a new passport should expect to have the DOS rely on other required documentation, such as birth certificates, to establish what the federal government now views as "biological sex."

With respect to passport renewals, independent documentation is generally not

required at all.³²

Therefore, absent changes to existing DOS regulations, there appears to be no immediate need for passport applicants or renewers with Vermont IDs to change their state documentation.

Takeaways

The U.S. Passport gender marker issue is rapidly developing. This article only functions as a starting point. As of this writing, the guidance provided by DOS on Executive Order 14168 is minimal. Passport applicants are encouraged to revisit the DOS website to see if further updates have been provided, especially considering the pending Orr litigation.³³ Until that time, given the apparent substantial delays experienced by the transgender, nonbinary, and intersex community as applied to passport applications and renewals, it is best practice to maintain the status quo. Passports with the "X" gender marker, or with gender markers different from the holder's assigned sex at birth, remain valid. Vermont-issued IDs remain valid documentation for applications and renewals. However, practitioners should remain vigilant as to this ever-changing legal landscape.

Alexander "Al" M. Dean is an attorney at BarrSternberg in Bennington and the former Senior Managing Editor of the Vermont Law Review. He chairs the VBA's Court Users Group. He practices trial and appellate litigation in the areas of plaintiffs' personal injury, contract disputes, and debtors' and consumers' rights.

¹ *Zzyym v. Pompeo*, 958 F.3d 1014, 1017–18 (10th Cir. 2020).

² *Id.* at 1018.

³ *Zzyym v. Pompeo*, 341 F.Supp.3d 1248, 1252 (D. Colo. 2018), vacated and remanded, *Zzyym*, 958 F.3d at 1035–36.

⁴ *Proposing Changes to the Department's Policies on Gender on U.S. Passports and Consular Reports of Birth Abroad*, U.S. Dep't of State, 2021 WLNR 21268366 (June 30, 2021).

⁵ *Id.*

⁶ *Issuance of the First U.S. Passport With an X Gender Marker*, U.S. Dep't of State, 2021 WLNR 35334122 (Oct. 27, 2021).

⁷ Exec. Order No. 14,168, 90 Fed. Reg. 8,615 (Jan. 20, 2025).

⁸ *Id.* § 2. "Female" is further defined as "a person belonging, at conception, to the sex that produces the large reproductive cell," and "male" as "a person belonging, at conception, to the sex that produces the small reproductive cell." *Id.* § 2(e)–(f).

⁹ *Id.* § 3(d)–(e).

¹⁰ The revoked Executive Orders are: *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*, Exec. Order No. 13,988, 86 Fed. Reg. 7,023 (Jan. 20, 2021); *Enabling All Qualified Americans to Serve Their Country in Uniform*, Exec. Order No. 14,004, 86 Fed. Reg. 7,471 (Jan. 25, 2021); *Establishment of the White House Gender Policy Council*, Exec. Order No. 14,020, 86 Fed. Reg. 13,797 (Mar. 8, 2021); *Guaranteeing an Educa-*

tional Environment Free From Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity, Exec. Order. No. 14,021, 86 Fed. Reg. 13,803 (Mar. 8, 2021); and *Advancing Equality for Lesbian, Gay, Bisexual, Transexual, Queer, and Intersex Individuals*, Exec. Order. No. 14,075, 87 Fed. Reg. 37,189 (June 15, 2022).

¹¹ While this article focuses on passports, Executive Order 14168 and the definitions and directives therein have impacted other governmental functions, particularly pertaining to online forms and educational resources. See, e.g., U.S. Equal Emp't Comm'n, *Removing Gender Ideology and Restoring the EEOC's Role of Protecting Women in the Workplace* (Jan. 28, 2025), <https://www.eeoc.gov/newsroom/removing-gender-ideology-and-restoring-eeocs-role-protecting-women-workplace> (providing for, *inter alia*, a review of the EEOC's "Know Your Rights" poster and the removal of "gender ideology" materials on EEOC websites and forms); Julie Steenhuysen & Ted Hesson, *US Health Agencies Scrubbing Websites to Remove 'Gender Ideology'*, Reuters (Jan. 31, 2025), <https://www.reuters.com/world/us/us-health-agencies-scrubbing-websites-remove-gender-ideology-2025-01-31/> (linking to various "404" pages that have been scrubbed as a result of the Executive Order and resulting directives from the Office of Personnel Management, including the Center for Disease Control's statistics on HIV among transgender Americans and data on health disparities among LGBTQ+ youth).

¹² Joseph Gedeon, *Rubio Instructs Staff to Freeze Passport Applications with 'X' Sex Markers*, The Guardian (Jan. 23, 2025), <https://www.theguardian.com/us-news/2025/jan/23/trump-rubio-x-gender-passport>.

¹³ *Id.*

¹⁴ Oriana González, *Trump's Gender Order Won't Affect Existing Passports — Unless They're Renewed*, NOTUS (Jan. 21, 2025), <https://www.notus.org/whitehouse/trump-gender-sex-order-passports>.

¹⁵ Gedeon, *supra* note 12.

¹⁶ U.S. Dep't of State, *Sex Marker in Passports*, [https://travel.state.gov/content/travel/en/pass-](https://travel.state.gov/content/travel/en/pass-ports/passport-help/sex-marker.html)

[ports/passport-help/sex-marker.html](https://travel.state.gov/content/travel/en/pass-ports/passport-help/sex-marker.html) (last updated Feb. 11, 2025).

¹⁷ *Id.*

¹⁸ See Exec. Order No. 14,168, *supra* note 7 (definitions of "male" and "female").

¹⁹ González, *supra* note 14 (quoting White House Press Secretary Karoline Leavitt).

²⁰ Exec. Order No. 14,168, *supra* note 7, § 3(d).

²¹ *Orr v. Trump*, No. 1:25-cv-10313-jek (D. Mass. Feb. 7, 2025) (ECF 1).

²² *Id.* (Docket Entry of Mar. 25, 2025) (ECF 65).

²³ *Chevron U.S.A., Inc. v. Nat'l Res. Defense Council, Inc.*, 467 U.S. 837 (1984), *overruled by Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024).

²⁴ *Zzym*, 958 F.3d at 1018 (The district court concluded . . . that [DOS] violated the [APA and] thus did not reach Zzym's constitutional claims.").

²⁵ *Bostock v. Clayton Cty.*, 590 U.S. 644 (2020); Title VII of the Civil Rights Act of 1964, codified at 42 U.S.C., ch. 21, subch. VI (2018).

²⁶ Kathleen Wong, *'I Feel Like I'm Stuck Here': Trans, Nonbinary Americans' Passports Remain in Limbo*, USA Today (Jan. 28, 2025), <https://www.usatoday.com/story/travel/news/2025/01/28/state-department-passport-gender-marker/77976486007/>.

²⁷ Lambda Legal, *Identity Documents for Trans and Nonbinary People* (last updated Feb. 7, 2025), <https://lambdalegal.org/tgnc-checklist-under-trump/> (trans, gender nonconforming, and nonbinary "people who have a passport that does not expire in 2025, regardless of whether the name or gender marker is correct, should not renew a passport or apply to change their gender marker or name").

²⁸ Vt. Dep't of Motor Vehicles, *Driver's License, Replacement* (last updated Nov. 17, 2023), <https://dmv.vermont.gov/licenses/replacement> (see specifically DMV forms VL-031, VL-021, VL-017, and VL-040 linked therein).

²⁹ U.S. Dep't of State, *supra* note 16.

³⁰ 22 C.F.R. § 51.42(a).

³¹ *Id.* § 51.43(b)(1).

³² *Id.* § 51.21.

³³ U.S. Dep't of State, *supra* note 16. ❧

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The Brave New World of Divorce Coaching

The process of divorce can be challenging, stressful, and oftentimes traumatic for clients. Many divorce attorneys have experienced the frustration of having a client who is uncertain whether they want to file for separation or divorce, causing the attorney to wonder why they are in their office in the first place. And divorce attorneys are not always equipped to engage with their clients on whether the marriage should be saved. Further, once the lawyer has been engaged and the process has begun, the client, for their part, may be unable to separate their emotions from the information needed to pursue a case successfully. They don't know what matters or why. So, the client spends an enormous amount of time telling the attorney about every detail, leaving the attorney to parse out what is relevant and what is not.

Client emotions run high. They are anxious, and understandably so, especially when they are facing the imminent threat of enormous changes to their family structure, day-to-day routine, time with their children, as well as the financial toll that the separation from one to two households necessarily entails. This mental toll impacts the client's ability to hear and process their attorney's instructions. The client may be unable to get organized enough to provide all the necessary disclosures. Alternatively, they may hold onto certain documents or information out of anger or misunderstanding, making their own divorce process more lengthy and costly. The attorney, who is tasked with preparing for trial, issuing witness subpoenas, or negotiating with opposing counsel or a pro se party, may

not be able to simultaneously handle the range of their client's emotional needs.

While the lawyer's relationship with their client may start quite well, their client can quickly become their own biggest obstacle. The client's personal struggles may render them ill equipped to handle making decisions in their own best interest. In some cases, the client may engage in behaviors that will considerably reduce their credibility in court.

Additionally, the client may be unreasonable during settlement discussions or unwilling to settle despite fair and equitable terms, and despite little chance of a better outcome in court. Or the client might settle but feel forced into it and thereafter be angry at their attorney. Things may not end up as well as they began.

Enter the divorce coach.

A divorce coach is a new kind of divorce professional whose reputation has been gaining in popularity nationwide. The American Bar Association recognizes divorce coaching as an acceptable form of alternative dispute resolution. The ABA defines divorce coaching as:

"a flexible, goal-oriented process designed to support, motivate, and guide people going through divorce to help them make the best possible decisions for their future, based on their particular interests, needs, and concerns."

Divorce coaches can assist clients at any time during the process. If a client contacts a coach at the beginning of the process, the coach may, among other possibilities, help their client:

1. decide whether to pursue a divorce or stay together;
2. understand the different ways to obtain a divorce (whether through mediation, the traditional litigation process, the collaborative process, or other newer forms of dispute resolution); and
3. locate and hire an attorney.

Many clients are fearful and anxious about hiring an attorney, and some go to great lengths to avoid them at all costs. Divorce mediation is often mistakenly seen as a complete substitute for legal representation, leading many couples to choose mediation specifically to avoid hiring an attorney. As a result, one or both spouses may agree to terms that fail to fully address their legal needs. A divorce coach can reinforce that the key to properly handling the legal aspects of divorce is finding a good divorce attorney.

Divorce coaching is on the rise. A plethora of internet articles, blogs and podcasts are promoting the divorce coach as a necessary component of any divorce team. Clients are seeking better ways to divorce and are becoming more sophisticated in their choices. As a result, divorce coaches have proliferated. Depending on their location and expertise, divorce coaches often charge anywhere from \$75 to \$300—on average about half of what an attorney charges. The ABA recognizes that "[d]ivorce coaches have different professional backgrounds and are selected based on the specific needs of the clients. For example, some divorce coaches are financial planners, mental health professionals, lawyers, or mediators who have experience dealing with divorcing clients." Many of these professionals supplement their experience through various programs around the country that offer training in divorce coaching.

And yet, divorce coaching is an unregulated industry. As a result, some individuals enter the field with no professional background—only their own personal divorce experience. Clients should be cautious when selecting a coach, and their attorneys should ensure they choose someone with the depth of experience and professional expertise necessary to provide meaningful guidance.

When all is said and done, if a client adds a qualified divorce coach to the mix, the



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client should end up spending less money overall. Divorce coaches help to focus the client on moving forward, instead of dwelling on the past and using the divorce process to litigate their hurt and disappointment. This means a cleaner and swifter legal process for all involved.

The heart of divorce coaching lies in the divorce coach's role as a "thought partner." They assist the client in determining where the client is at that moment, what their goals are for the divorce, what outcomes they want for their children, and what they want their life to look like after the divorce. Divorce coaches help the client understand and manage their emotions and separate them from the divorce process. A divorce coach is at their best when clients are empowered to make better decisions for themselves.

Divorce coaches help their clients move through the "story" of their break-up and move into the "business" of divorce. This may include helping clients get their financial documents in order, collecting information about their financial situation by breaking it down into bite sized pieces, holding them accountable to do the work, and helping them to understand and review their budget. This, in turn, enables their client to get organized for their attorney.

Divorce coaches can take the time to talk with clients about different parenting time arrangements to help determine what will work best for their family, while carefully taking into consideration the impact on each family member. This is time that attorneys may not have. Depending upon their expertise, the divorce coach can also discuss ways for the client to talk with their children about the divorce, work with the client on other parent-child related issues, help them navigate and accept the inevitability of parenting exchanges, and provide additional parenting resources. Most importantly, divorce coaches can help document specific questions that the client should ask their attorney, while providing much of the hand-holding that the attorney may have neither the time nor the desire to do.

In Vermont, contested divorces can take months or in some cases, years to resolve. Post-COVID, many counties still face significant case backlogs, with divorce and child custody matters often taking a backseat to higher-priority cases like criminal proceedings. Any steps to streamline the process benefit both attorneys and clients alike. A divorce coach can provide critical ongoing support, helping clients navigate the challenges of post-separation, pre-divorce life, especially when court dates are uncertain or set far in the future.

In an era where the law is well-settled in the divorce context, i.e., where property is divided on an equitable basis and parent-



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ing plans are created in the best interest of the children, the issue in most divorces is not so much a question of law, but the personalities of the individuals involved. To the extent the personal emotional issues are contained, and the anxiety that results due to the divorce litigation process itself is lessened, most divorcing couples should be able to reach a negotiated agreement.

Experienced family law attorneys recognize when they have a high conflict case, where one or both parties may exhibit symptoms of a Cluster B disorder (narcissistic personality disorder and borderline personality disorder are two such disorders, per the Diagnostic and Statistical Manual of Mental Disorders consulted by psychologists and psychotherapists). These highly charged cases can often drag on and can be exceptionally demanding for the attorney. The attorney may decide that they can only accept a limited number of such cases in their practice at any point in time. While many lawyers recommend that their client hire a therapist if they don't already have one, a therapist does not provide the same services as a divorce coach. In high conflict cases in particular, the client may need the services of both a therapist and a divorce coach.

Moreover, an experienced divorce coach can provide significant relief to the party who is at the mercy of a personality disordered spouse. These clients, who may be working with their therapist to unpack their family history and the reasons they fell into such a destructive relationship in the first place, still need immediate help in navigating the landmines of the divorce process. The divorce coach can help them to focus on the things that are in their own power to change. A good divorce coach can help their client learn new skills, such as how to communicate properly and effectively with their spouse, set appropriate boundaries, and free them from unwittingly falling back

into patterns that were established during the marriage that will disadvantage them in their divorce. The advantage a divorce coach brings is their flexibility and ability to focus exclusively on the client's needs when the client needs it most.

Divorce coaches are not therapists, however, and the mark of a good coach is one who can recognize if their client has a deep-seated emotional issue that requires ongoing treatment and support from a licensed psychotherapist. It is always important for the coach to clarify these distinct roles with their client.

There are countless books about divorce, and an overwhelming number of online resources, including AI. Yet when it comes to their own divorce, many people want support and guidance from a real human being, someone who can listen, understand and offer personalized support on a one-to-one level. Divorce coaches provide undivided attention, tailoring the process to each client's unique needs and circumstances. This is just one of many reasons divorce coaches are in demand.

A divorce coach supports clients through every stage of divorce—offering guidance before litigation begins, helping navigate emotional complexities during the legal process, and assisting with post-divorce adjustments. By equipping clients with the right tools and a clearer understanding of their options, coaching strengthens attorney-client relationships and leads to more satisfaction with the process and better outcomes for all involved.

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"A Magnificent Fraud": The Defalcations of Robert Temple, Esq.

Around 5 PM, on Monday, Oct. 6, 1834, 51-year-old Rutland attorney Robert Temple walked from his home into a nearby field where he placed a rifle barrel to his chest. Then, without hesitation, he fired, dying instantly, "the ball having passed through the heart and out at the shoulder." While an inquest charitably attributed his death to "an accidental discharge," the evidence pointed elsewhere.¹

How, many asked, could such a person, one held in high esteem throughout the state, been moved to take his own life? After all, as the accolades Temple received in the next years proclaimed, he lived among a pantheon of notables, calling him "the excellency of dignity," "distinguished edifice," and one of the "eminent men."

Nice words, but they failed to acknowledge that Temple was living a dark lie. He may have appeared worthy, but now we know much more than what his contemporaries cared to admit for he was actually a low, conniving thief. As records from the National Archives reveal, he exploited the poor, the feeble, the elderly, and the insane, specifically some 200 Revolutionary War veterans, in the pursuit of monetary gain.² His years-long scam leading up to his death allowed him to reap, at a minimum, \$50,000 (approximately \$1,800,000 in today's dollars), surreptitiously removed from a national pension system established to assist those destitute veterans and their kin. It was the largest defalcation of its kind at the time.³

Background

Robert Temple was born in 1783 in Braintree, MA, tracing his lineage back to William Bradford, the first governor of Plymouth Colony (1621-1632). His family moved to Castleton at some point, where he studied law under the tutelage of a local attorney in 1803. The next year, Temple began his ascent in the legal world with his admission to the Rutland bar, simultaneously being appointed clerk of the Rutland County court (a position he held until 1820). In 1807, he was admitted to practice before the Supreme Court. His career advanced steadily. In 1812, the Vermont legislature named him a prosecutor to investigate the failure of the Bank of Vermont. The following year, it elected him secretary to the Constitution-mandated Council of Censors. In 1816, he was entrusted with the oner-

ous task of compiling the state's laws for publication. That same year, he was elected a justice of the peace; a position he held for many years. The legislature then elected him a Supreme Court judge in 1817 (he declined), but in 1820 he assumed the role of secretary to the Governor and Council (1820-1823). Temple was soon elected Rutland's representative to the legislature and named President of the newly-chartered Bank of Rutland (1824).

Respected by his peers, Temple's name appears repeatedly in other contexts: standing for election as governor, on committees to decide where to place the capitol, creating canals and railroads, and incorporator of the Vermont Agricultural Society and Rutland Fire Society. Politically, he was an ardent anti-Jacksonian holding various local and national positions in the National Republican Party, merging with the Whig Party in the early 1830s.

Rubbing elbows with the state's elite in so many venues seems to have placed pressure on Temple to give the appearance of success; particularly when he and his second wife were raising three small children in the late 1820s. Apart from the family, he was described as "a large, well-formed and well-dressed gentleman, and a leader among the members of fashionable society at Montpelier," indicating a need for money exceeding the fees he obtained as a country lawyer on the make.⁴ Of all the roles Temple played in these years to generate that income, none offered him sufficient opportunity as acting as an agent for Revolutionary War veterans to obtain their pensions. That special relationship proved so lucrative that, as one Virginia newspaper wrote after its discovery, Temple turned it into "a magnificent fraud."⁵

Pension Fraud

Temple began pension work for Rutland-area veterans sometime around 1818. Over time, he became adept in the procedures



required to satisfy Washington bureaucrats of applicants' entitlement to funds, while also identifying ways how to exploit their vulnerabilities. This involved his submitting paperwork provided by soldiers describing dates of service and names of commanding officers and soldiers they served with, as well as attesting to their current poverty and/or significant disabilities that, without which, would disqualify them from the program. These were serious, solemn acts sworn to by the soldiers in front of judges, and not taken lightly, with many expressing profound embarrassment at having to seek public assistance in their destitute condition. Their stories describing their participation in the many major battles and skirmishes of the Revolution then went to the War Department's Pension Bureau in Washington where clerks referenced them to official records to assure their validity. When they passed muster, a certificate was issued authorizing the applicant to obtain money from a Treasury Department pension agent, in this case an individual working in Burlington.

In June 1828, the Secretary of War appointed Temple Vermont's War Department pension agent. He was already president of the Rutland Bank, and one of only six attorneys in the community. He was thus perfectly situated to corner the Vermont market applying for veteran benefits, sending and received correspondence on behalf of dozens of soldiers.⁶ Just a few

months after his appointment, apparently emboldened by the ease he found in submitting fraudulent claims, Temple upped the ante. This time he successfully assumed the identity of a soldier who had died in 1814, forging the soldier's signature on paperwork seeking bounty land.⁷ The success of this fraud led to repeat similar offenses. Temple used both fictitious identities and the names of soldiers that his clients had confidentially provided to him in support of their claims to make his fraudulent ones look legitimate. As one Valley Forge veteran described, he provided Temple with “a paper containing the names of all the officers and soldiers” in the company he belonged to.⁸ As investigators later came to appreciate in their inquiry of Temple, with such a gold mine of raw information, a fraudster could do great damage.

Business was so good that in 1829, Temple moved his law practice to “the courthouse, in the room occupied by the County Clerk.”⁹ Now, surrounded by the trappings of power and legitimacy, embellished by a wide range of business and political connections, it became impossible for anyone, particularly the infirm and destitute veterans, to question what he did. This allowed Temple to exploit loopholes he discovered in the pension laws in a unique way. As the veterans' agent he would receive the critically important certificates from the War Department establishing their rights to benefits. Temple maintained close possession of them, not sending them on to the claimants. This allowed him to verbally advise his clients the amounts of money they were qualified to receive, sums that were often less than what the certificates authorized. He also obtained veterans' permission to obtain money on their behalf from the treasury department disbursing in Burlington, thereby removing them from making a personal appearance and possibly upsetting his plans. To do so, he convinced them to sign blank forms that he fraudulently completed and presented to the disbursing officer. As Temple became further involved in the monetary aspects of his clients' lives, he commingled their funds in his personal and Bank of Rutland accounts without their knowledge.

Temple's interactions with his clients were not always congenial, particularly when they inquired too closely how he conducted his business. In 1829, one elderly, blind soldier made the difficult trip from Brandon to Rutland, accompanied by his son, to meet with him to enroll in the pension program. The meeting did not go well. As the son recounted, after writing up the papers, his father asked Temple to read them back before he swore and signed to their accuracy. “Evident with tokens of displeasure,” the son recalled, the attorney refused his father's reasonable request, telling him

that “it was sufficient” and questioning “why [he] should ask for an explanation.” Not wanting to escalate the confrontation, the soldier signed. However, he quickly expressed his displeasure to his son after they left. The son warned his father not to complain: “If he crossed Temple, his influence was so great, that he would do him all the injury he could.”¹⁰ Not surprisingly, following Temple's suicide and the uncovering of his frauds, many of his victims expressed their displeasure with his bullying, suspicious style, and their bitter regret at having entrusted him with their important one-of-a-kind papers.

The high-water mark of Temple's frauds appears to have occurred between 1828 and 1834. He continued to closely guard his work, traveling often to the pension office in Washington carrying papers for filing and then returning to Vermont with certificates. Ever watchful for opportunities to enrich himself, he could not resist stooping to mean-spirited pettiness. On one occasion after returning, he refused to provide a certificate to a soldier that was not a client unless he paid him \$5.00 (approximately \$180 current value). The veteran paid it, but resented having to do so because he had “not employed him to fetch it and all his trouble was merely the weight of the paper” in bringing it to him.¹¹

By 1833, Temple became more cautious at being discovered. That year, another fraudster set a fire in the treasury department in Washington to try and cover his own tracks, destroying the building in the process. The time had come to lie low, and, by September of that year, Temple stopped using the banks and his own account to pay pensioners, returning to the normal practice of obtaining money from the Burlington treasury agent.¹²

Downfall

During the summer of 1834, news of other pension fraud taking place in Kentucky and Virginia forced Congress to investigate further. To identify specific cases, the Senate prepared a bill to publish the names of all pension recipients, an effort Temple knew would expose his conduct. He made haste to Washington where he confronted the sponsor of the bill, seeking to have him withdraw it for political reasons, but was unsuccessful.

Frantic with concern, Temple went to the War Department Pension Office where he met with one of the Department's clerks, Richard Ela. He sought Ela's assistance to falsify the lists of names set for publication, providing him with the names of 60 individuals he wanted altered or omitted. For Ela's efforts, Temple promised that, using an alias, he would send him money and

then left for Vermont. Ela, in turn, reported the encounter to his superiors who began an investigation in the war and treasury departments. Not surprisingly, these revealed significant problems with Temple's accounts going back years.

Ela, accompanied by one Capt. Beall, was then ordered to travel to Rutland to “secure the arrest of Temple and investigate the case there.”¹³ Shortly after their departure, a letter arrived at the pension office addressed to Ela, “from Temple, under a fictitious name,” enclosing a \$50 note “promising a liberal reward if he would accomplish the object.” The letter and its contents were then mailed directly to Vermont's federal prosecutor to open a case against Temple.

Things moved quickly after Temple's arrival in Rutland. He went to the post office on Oct. 6 to retrieve his mail. There, he spoke with the postmaster who had letters addressed to local court personnel that included the incriminating letter. Temple offered to take them to their recipients and immediately saw the one franked from the pension office addressed to the prosecutor. Tearing it open, he found both his own letter and the money he sent to Ela, as well as directions to arrest and begin proceedings against him. Meanwhile, Ela and Beall had arrived in town to arrest Temple but could not immediately schedule a meeting with the prosecutor to coordinate their efforts.

Panicked at what he had read, Temple went straight home sometime around 5 PM where he spoke calmly with a hired hand requesting that he bring him a rifle, shot, and powder because he wanted to shoot game in a nearby field. The worker last saw Temple walk out with the weapon, soon hearing a shot. Curious at what he might have downed so quickly, the man went out to find Temple lying “on the ground, weltering in his blood.”¹⁴

News of Temple's death and the circumstances behind it spread quickly and public reaction was furious. One Vermont newspaper reporter wrote: “The annals of fraud and forgery do not furnish a parallel case of such persevering, deliberate, high-handed crime.”¹⁵ The consequences of his sins hit Temple's unsuspecting family particularly hard, as well as every pensioner with whom he ever crossed paths. His well-respected wife, Charlotte, and their children, publicly expressed remorse accompanied by promises to compensate as much as possible all those harmed by his conduct. This meant the embarrassing public auctioning of all their real estate, bank stocks, “horses, carriages, household furniture, farming tools, &c.” in the summer of 1835. “The extent and value of this property,” the attorney for the estate advertised, “it is believed will

command the attention of capitalists without any remarks."¹⁶

For the pensioners funding Temple's expensive lifestyle, the news of his thefts meant the pension office's instant suspension of all the disbursements he was involved with over the years. Suddenly, hundreds of elderly, disabled, and poor veterans found themselves cut off from the only money able to sustain their lives. Restarting those funds meant the onerous task of recreating all the papers submitted to the office in the past to prove their eligibility for benefits.

The pension records are littered with the heartbreaking hardships the soldiers encountered, poignantly exemplified by efforts of one old veteran that Temple cruelly exploited, now struggling to comply with the new requirements. A Rutland attorney writing to the pension office on his behalf pled for understanding of his dire situation. "Figure to yourself," he wrote, "an old man, 78 years old, bound and bent over, into the form of a zeta, nearly blind . . . setting off, afoot & alone, without money . . . begging his bread as he travelled . . . for 200 miles until he reached the goal of his hope, not for a pension, but for proofs." Another wrote on his behalf in a similar vein, begging that "The sins of Robert Temple I hope are not visited upon the innocent and deserving."¹⁷ The hardships did not end when, for years afterwards, the widows and children of veterans tainted by Temple's lingering stench found their own claims minimized, delayed, or denied. It was a massive mess. It is estimated that Temple defrauded some 200 veterans.

Conclusion

Robert Temple engaged in the largest defalcation of its kind at a time when well-intentioned laws meant to recognize and compensate the nation's worthy veterans failed to adequately account for the imaginative ways criminals worked to undermine them. Washington learned from the experience; enacting legislation intended to ward off that prospect, but was not always successful. As we know up to this day, there are other Robert Temples out there, always ready to undermine and profit illegally from the good intentions of others. And, as they say, the more things change, the more they stay the same.

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

¹ *Burlington Weekly Free Press*, October 10, 1834.

² Temple's name is associated with 274 NARA pension files, including Prince Robinson, "a negro," residing in the Rutland community: <https://catalog.archives.gov/search-within/300022?q=%22robert%20temple%22%20vermont>

³ William D. Glasson, *Federal Military Pensions in the United States* (New York: Oxford University Press, 1918), 87. Other frauds committed against the pension sys-

tem at the time took place in New York, Kentucky, and Virginia, with Temple's actions considered as "the most shocking." H. Niles, ed., *Niles Weekly Register*, vol. XLVII (Baltimore: H. Niles, 1834), 105.

⁴ E. P. Walton, ed., *Records of the Governor and Council of the State of Vermont*, vol. vi (Montpelier: J. & J. M. Poland, 1878), 210.

⁵ *Niles Weekly Register*, 106.

⁶ Temple's appointment was politically based and subsequently withdrawn in 1829 upon Andrew Jackson's election as president, a person he disliked intensely.

⁷ John Nugen, File B. L. Wt. 2,242; NAID: 196317522, Record Group 15: Case Files of Pension and Bounty-Land Warrant Applications Based on Revolutionary War Service, National Archives and Records Administration (NARA).

⁸ Simeon Bigelow, File S. 21643; NAID: 53966383, NARA.

⁹ *Rutland Weekly Herald*, February 28, 1829.

¹⁰ Penuel Child, Esq. File W. 716, NAID: 54206575, NARA.

¹¹ Daniel Buell, File S. 22,149; NAID: 54095547, NARA.

¹² Gideon Tenney, File W. 20,084; NAID: 144312704, NARA.

¹³ *Niles Weekly Register*, 105.

¹⁴ *Burlington Weekly Free Press*, October 10, 1834.

¹⁵ *Vermont Patriot*, October 13, 1834.

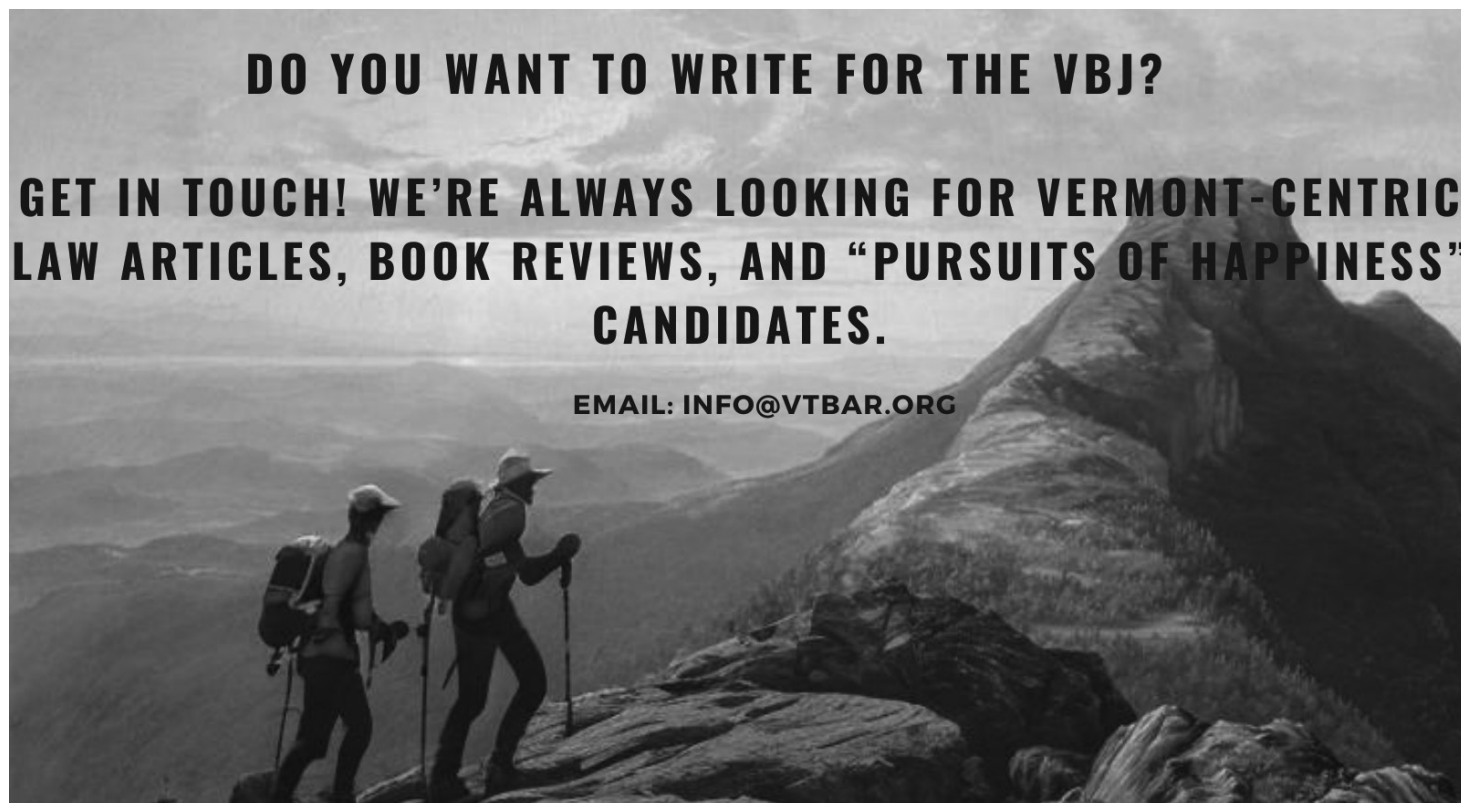
¹⁶ *Rutland Weekly Herald*, August 18, 1835.

¹⁷ Nathaniel Keyes, File W. 14,988; NAID: 144097651, NARA. 📧

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Debiasing the Law: How Understanding Cognitive Biases Leads to a More Just Legal System

Lawyers strive for fairness and justice in every case they handle. However, the behavioral science research shows that human reasoning in legal contexts is inherently flawed and vulnerable to both explicit and implicit biases. Cognitive biases, as they are known, can significantly impact legal matters such as employment law, jury selection, public procurement, criminal defense, business decision-making, bankruptcy, and police misconduct. It is therefore crucial for legal professionals to understand and address these biases to ensure the integrity of the legal process.

The Rhyme-As-Reason Effect: A Lesson from the O.J. Simpson Case

One of the most prominent examples of cognitive bias in legal proceedings is the famous defense from the O.J. Simpson trial: “If it doesn’t fit, you must acquit.” This statement, which has since become a part of legal folklore, is a prime example of the rhyme-as-reason effect, a cognitive bias where phrases that are easier to process—known as having cognitive fluency—sound more believable to the human mind.

The O.J. Simpson trial, held in 1995, was one of the most publicized criminal trials in American history. Simpson, a former professional football player and actor, was accused of the brutal murders of his ex-wife, Nicole Brown Simpson, and her friend Ronald Goldman. The case was filled with dramatic moments, but perhaps none more so than when Simpson tried on a pair of gloves allegedly used in the murders. The gloves appeared to be too small for Simpson’s hands, leading to the now-infamous phrase by defense attorney, Johnnie Cochran: “If it doesn’t fit, you must acquit.”

This statement is a classic example of the rhyme-as-reason effect. This cognitive bias suggests that if a statement or argument is presented in a way that is easy to process or understand, such as rhyming, it is more likely to be perceived as true. The defense team in the Simpson trial used this cognitive bias to their advantage, crafting a simple, memorable phrase that resonated with the jury. The phrase was catchy, easy to remember, and it simplified a complex legal argument into a straightforward, easily digestible concept. This ultimately contributed to Simpson’s acquittal.

As legal professionals, it is crucial to understand the role of cognitive biases in the courtroom. These biases can subtly influ-

ence the decision-making process, swaying the opinions of jurors, judges, and even attorneys themselves. The rhyme-as-reason effect is just one of many cognitive biases that can impact legal proceedings.

Anchoring: The Impact of First Impressions

Another pervasive cognitive bias in legal settings is anchoring. Anchoring is a cognitive bias that refers to the human tendency to rely heavily on the first piece of information encountered (the “anchor”) when making decisions. Once an anchor is set, all subsequent judgments are made by adjusting away from that anchor. The power of the anchor often overshadows subsequent evidence, causing it to be assessed through the lens of the first piece of information.

Consider, for instance, a scenario where a juror learns about a defendant’s prior criminal record before hearing about the specific details of the current case. This initial piece of information serves as an anchor, setting a tone of criminality around the defendant. As a result, the juror may be more inclined to view the defendant as guilty, regardless of the evidence presented in the current case. This is the anchoring effect in action, and it can significantly influence the outcome of a case.

Recognizing the anchoring effect is crucial for us as legal professionals. Our understanding of this cognitive bias can help us strategize the presentation of evidence and arguments in a way that minimizes its impact. For instance, if we are aware that the prosecution is likely to introduce a defendant’s criminal history early in the trial, we might preemptively address this issue in our opening statement. By doing so, we can set a different anchor, one that contextualizes the defendant’s past and emphasizes the importance of judging the current case on its own merits.

Moreover, understanding the anchoring effect can also help us in our negotiations and plea bargaining. For example, the first offer made in a negotiation often serves as an anchor that influences subsequent discussions. If we are aware of this, we can use it to our advantage by making the first offer and setting an anchor that is favorable to our client.

However, merely recognizing the anchoring effect is not enough. We must also actively work to mitigate its impact. This

could involve educating jurors about the existence of cognitive biases and how they can affect their decision-making process. It might also involve advocating for changes in legal procedures to minimize the potential for anchoring, such as presenting all evidence simultaneously rather than sequentially.

Furthermore, we must also be vigilant about our own susceptibility to the anchoring effect. As attorneys, we are not immune to cognitive biases. We must be mindful of the potential for anchoring in our own decision-making processes, whether it’s in evaluating a case, deciding on a negotiation strategy, or making judgments about a client’s credibility.

Debiasing Techniques: Tools for a Fairer Legal System

Fortunately, the field of behavioral science has provided us with a wealth of research on debiasing techniques. These are critically-important, peer-reviewed tools that can help us address biases in legal cases.

One of these techniques is the implementation of blind procedures. Blind procedures, such as double-blind lineups or anonymized document reviews, can help reduce the influence of cognitive biases. In a double-blind lineup, for instance, neither the administrator nor the witness knows who the suspect is. This prevents the administrator from unconsciously influencing the witness’s decision, and it prevents the witness from making assumptions based on the administrator’s behavior. Similarly, anonymizing document reviews can help prevent biases based on the author’s identity or other irrelevant factors. By removing identifying information or limiting the ability to draw comparisons, we can minimize the impact of biases on decision-making processes.

Another debiasing technique is the incorporation of expert testimony on cognitive biases. Expert testimony can help educate jurors and judges on the potential pitfalls of human reasoning. By making them aware of these biases, they are more likely to scrutinize their own thought processes and make more impartial judgments. For example, an expert might explain the concept of confirmation bias, where people tend to favor information that confirms their pre-existing beliefs. Understanding this bias can help jurors and judges criti-

cally evaluate their own thought processes and ensure that they are considering all evidence fairly.

A third debiasing technique is encouraging deliberative decision-making processes. Deliberative decision-making involves slow and careful consideration of evidence, which can help counteract the influence of cognitive biases. This may involve guiding jurors through a structured deliberation process or providing judges with checklists to ensure a thorough examination of the case. For instance, a checklist might remind a judge to consider alternative explanations for the evidence, to evaluate the credibility of each witness independently, or to avoid relying too heavily on first impressions. By encouraging a more thoughtful and systematic approach to decision-making, we can help reduce the influence of cognitive biases.

In addition to these techniques, there are several other strategies that can be used to mitigate the impact of cognitive biases. For example, we can use pretrial research to identify potential biases among jurors and develop strategies to address them. We can also use jury instructions to remind jurors of the importance of impartiality and the potential influence of cognitive biases. Furthermore, we can advocate for changes in legal procedures to minimize the potential for bias, such as presenting all evidence simultaneously rather than sequentially.

However, it's important to remember that debiasing techniques are not a panacea. While they can help reduce the influence of cognitive biases, they cannot eliminate them entirely. As attorneys, we must remain vigilant about the potential for bias in every aspect of the legal process, from our own decision-making to the judgments of jurors and judges. We must continually educate ourselves about the latest research on cognitive biases and debiasing techniques, and we must be willing to adapt our practices as new information becomes available.

Addressing Bias in Various Legal Contexts

The legal profession, in all its diverse fields, is a complex landscape where cognitive biases can subtly and significantly influence outcomes. Understanding and addressing these biases is not just a theoretical exercise, but a practical necessity that can impact everything from employment law to public procurement, criminal defense, business decisions, bankruptcy cases, and police misconduct investigations.

In the realm of employment law, addressing biases is critical to ensuring fair hiring practices and preventing discrimination. For instance, anonymizing resumes during the recruitment process can help em-

ployers focus on candidates' skills and experience, rather than being influenced by gender, race, or age. This technique helps to mitigate the influence of implicit biases, which can unconsciously affect our judgments and decisions. By removing identifying information, we can create a more level playing field where candidates are evaluated based on their qualifications, not their personal characteristics.

During jury selection, the voir dire process provides an opportunity for attorneys to identify potential jurors with strong cognitive biases that may influence their decision-making. This is a critical step in ensuring a fair trial, as these biases can sway a juror's interpretation of the evidence and their final verdict. By asking carefully crafted questions, attorneys can gauge a potential juror's susceptibility to biases such as confirmation bias, where individuals favor information that confirms their pre-existing beliefs, or anchoring bias, where the first piece of information encountered heavily influences subsequent judgments.

In public procurement, addressing biases helps ensure fair competition and transparent decision-making. By implementing blind evaluation processes, public officials can objectively assess bids without being influenced by factors such as the bidder's reputation or the anchoring effect. This helps to ensure that contracts are awarded based on merit, not bias, promoting fairness and integrity in public spending.

Criminal defense attorneys must be acutely aware of cognitive biases to effectively represent their clients. They can challenge the admissibility of prejudicial evidence that may trigger anchoring or other biases, preventing the jury from forming an unfavorable view of the defendant based on irrelevant or misleading information. Additionally, they can educate jurors about cognitive biases through expert testimony, helping to create a more level playing field where the defendant is judged based on the evidence, not the sway of unconscious biases.

Cognitive biases can also impact business decisions, such as mergers, acquisitions, and contract negotiations. Lawyers can apply debiasing techniques to help clients make more informed decisions that are less influenced by cognitive biases. For example, they can encourage clients to consider a range of scenarios, rather than anchoring on a single outcome, or they can facilitate a devil's advocate approach to challenge confirmation bias and promote more balanced decision-making. By doing so, they can help clients achieve better outcomes that are based on a thorough and objective assessment of the facts.

In bankruptcy cases, addressing cognitive biases is essential for fair asset distribution and accurate evaluation of debt-

or claims. By implementing blind procedures and promoting deliberative decision-making, lawyers can help ensure that the bankruptcy process remains impartial and equitable. For instance, they can use anonymized document reviews to evaluate claims, preventing biases based on the debtor's identity or past behavior. They can also encourage trustees and judges to use checklists or structured decision-making processes to avoid being swayed by first impressions or irrelevant factors.

In cases of police misconduct, understanding and addressing cognitive biases is vital for evaluating the actions of law enforcement officers and holding them accountable. For instance, lawyers can scrutinize the reliability of eyewitness testimony, which is often influenced by cognitive biases such as the misinformation effect, where memory is distorted by misleading post-event information. By challenging the accuracy of such testimony and educating the court about the potential for bias, lawyers can help ensure that justice is served.

Conclusion: The Path to a Fairer Legal System

In conclusion, addressing cognitive biases in legal cases is an essential step towards a fairer and more just legal system. By understanding these biases and implementing debiasing techniques, lawyers can effectively navigate the complex landscape of human reasoning and ensure that justice is served. By doing so, they not only uphold the integrity of the legal profession but also contribute to a society where fairness and justice prevail.

Gleb Tsipursky, Ph.D., is an expert with more than 22 years' experience in addressing bias in legal cases. He serves as CEO of the bias avoidance consultancy, Disaster Avoidance Experts, and is the author of seven books, including Never Go With Your Gut: How Pioneering Leaders Make the Best Decisions and Avoid Business Disasters and The Blindspots Between Us: How to Overcome Unconscious Cognitive Bias and Build Better Relationships. His expertise comes from over 20 years of consulting, coaching, speaking and training for Fortune 500 companies from Aflac to Xerox, and over 15 years in academia as a behavioral scientist at UNC-Chapel Hill and Ohio State. A proud Ukrainian American, Dr. Gleb lives in Columbus, Ohio.

Dr. Gleb will be teaching a remote CLE, "Debiasing the Law: How Understanding Cognitive Biases Leads to a More Just Legal System," on May 29, 2025 from 1 to 2 PM. It has been approved for DEI credit. Sign up on the VBA CLE calendar: www.vtbar.org.

Don't Get Ahead of Yourself with Firm Splits, Dissolutions, and Attorney Departures — Seven Tips to Help You Avoid Tail Confusion

I have three stories to share, but first a reminder as to what a tail is and what it isn't. Sometimes after hearing good things about ALPS, a lawyer will call in saying they are about to retire or leave their firm; and while their current coverage is with another insurer, he or she would like to buy a tail policy from us. Our answer is always the same. It's no, because a tail isn't a separate policy, it's an endorsement to a policy. Their current insurer is the only one who can help them.

Whenever using the word "tail," think ERE, which stands for extend reporting endorsement. EREs are unique to a claims made and reported insurance policy, which is what your malpractice policy is, because a lawyer continues to need insurance protection for professional services rendered up to the time the final malpractice policy expires in order to protect the lawyer from a subsequent claim arising from those services. So, all an ERE does is extend the time within which a claim may be reported under the terms and conditions of the final policy the ERE attaches to. An ERE is not a new policy, and it doesn't bring any additional coverage with it. With this out of the way, time for the stories.

After practicing together for years, a husband and wife needed to make some changes because they were in the process of getting a divorce. The husband left the firm and purchased a new malpractice policy with no prior acts. Then the wife had the couple's son join the firm with the intent of leaving the firm to him once the wife retired, which was to happen in the next year or so. Their son was excited about the opportunity to eventually have his own firm, but should he be?

The husband wasn't concerned about prior acts coverage because he was comfortable relying on former attorney language under the policy the couple had in place when they practiced together; and since the wife, and eventually their son, will maintain continuous coverage with the firm the husband left, he wasn't worried. Here's the rub. Their son doesn't realize that his parents weren't doing him any favors from a coverage perspective. Again, understand that the wife and son will maintain continuous coverage, so the son will eventually be left with the liability and related premium costs for all the prior acts of his parents.

Had the parents taken the time to come up to speed on the coverage issues and then really think this through, a better decision might have been to wind up their practice and purchase a firm ERE so mother and son could start fresh.

Another situation involved a two-attorney firm split. Someone told these two that after they split, they would both need to make sure they get predecessor coverage, which would provide coverage for any acts, errors, or omission that occurred at their now prior firm. Both agreed to do so. Shortly thereafter one of the attorneys applied for individual coverage with us. He asked for and received predecessor coverage after stating that he had acquired 51% or more of the assets and liabilities of the prior firm. Shortly thereafter, the other attorney applied for individual coverage also hoping to purchase predecessor coverage. Unfortunately, we couldn't offer that coverage because there can only be one successor firm. Here again, there was a misunderstanding of how coverage works. The attorney who received predecessor coverage didn't realize that he would be accepting the liability of all former attorneys and staff onto his new solo policy. This also meant the other partner didn't have to pay to cover his prior acts on his new policy. This is when they both realized that what they should have done was to ask for separate prior acts coverage for each of them or purchase a firm ERE.

And finally, a small firm had a few partners retire in recent years. As a result, a few more of the remaining partners decided they too should retire which forced the rest who were not ready to retire to begin looking for opportunities elsewhere. A dissolution by default was coming into play. Unfortunately, no one was in agreement as to what to do about tail coverage, in part due to the reality that no one had a thorough understanding of what tail coverage is and how it works. Some thought they could purchase their own individual tail policy. Others thought they could pick the amount of tail coverage they wanted, individually or as a firm. Some were thinking about buying individual tails of varying lengths while others wanted a firm tail. It seemed that everyone had a different opinion based upon how much they thought their individual cost would end up being.



Making matters worse, several firm attorneys actually made lateral moves without giving any serious thought to their prior acts exposure, apparently believing this was something that could be taken care of whenever they got around to it. In the end, the dissolution process dragged on much longer than it needed to, relationships were unnecessarily strained, and the partners who retired prior to all this happening were not even aware that decisions were being made, decisions that could have serious consequences.

For me, the common thread in these stories is this. In light of an impending firm split, dissolution, or attorney departure all the attorneys were making decisions without fully understanding the consequences of the decisions being made. They got ahead of themselves, and unintended consequences quickly followed. With this in mind, I share the following tips to help you avoid similar problems in your future.

1. When a firm split, dissolution, or attorney departure is on the horizon, contact your carrier early on to learn about and discuss your options. For example, while predecessor coverage is the answer sometimes with firm splits, at other times separate prior acts policies or a firm ERE coupled with a policy that has no prior acts coverage is the answer.
2. The cost of an ERE can be expensive, particularly for a firm that's been in existence for decades; and understand

that payment is typically due in full at the time of purchase. Plan well in advance and save for this eventual necessary expense to avoid ultimately having to make significant decisions based upon financial limitations.

3. Don't allow your malpractice policy limits to drop if your firm downsizes in the last few years of its life. Remember that the remaining limits of the fi-

nal policy the ERE will attach to need to be enough to take care of everyone who's covered under the ERE for the duration of the ERE. Stated another way, the limits of an ERE don't renew every year. It's a once and done kind of thing.

4. Never run with any assumptions. Because the window of opportunity to purchase an ERE is short, often 30

days or less, prior to leaving a firm think carefully before making the common decision to rely on former attorney language to take care of your tail exposure. A decision to do so may be fine if the firm you are leaving maintains continuous coverage for at least the next five to ten years. If there's a chance the firm may not do so, perhaps due to an unexpected firm merger or a not so unexpected dissolution, consider purchasing an individual tail as you're departing because the opportunity to do so will pass quickly and sometimes the decisions firms make months to a few years after you depart can end up leaving you bare on your tail exposure. This can even happen to you after you've made a lateral move if the firm you moved to didn't pick up your prior acts.

5. If your firm is dissolving and you plan to continue to practice on your own, don't assume that you need to go out and buy a new policy that includes prior acts coverage. Check with the firm to see if it will be purchasing a firm ERE. If so, you don't need to add prior acts coverage to your new policy, the firm ERE will take care of that exposure.

6. When you retire, remember that an ERE provides no new coverage. All it does is extend the time you can report a claim that arises out of any covered work done up to the date your final policy expired. If you happen to do a little work in retirement and a claim arises out of that work, well, all I can say is this one's on you.

7. Decisions made during firm splits and dissolutions could leave previously departed attorneys without coverage for their prior acts if they left with a belief that they could rely on former attorney language to take care of their tail exposure. In these situations, the cleanest choice would be to purchase a firm ERE. Not only will this ensure that everyone's tail exposure is covered, but any attorney who will remain in practice post firm split or dissolution can also move forward without having to worry about procuring their own prior acts coverage. I see that as a win/win.

Mark Bassingthwaighe, Esq. is the resident Risk Manager at ALPS Insurance. To learn more about how ALPS can support your solo or small firm visit: alpsinsurance.com. ☎

CONNECTIONS PUZZLE

by Kevin Lumpkin, Esq.

Kevin is trying another puzzle in the style of the New York Times Connections puzzles. Each word in the puzzle belongs in one of four categories. Your job is to pick out the four sets of four words and identify what they have in common. This should be a high-difficulty puzzle, maybe easier for fans of early 2000s teen dramas on Fox.

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

See page 46 for the Winter Journal's Crossword Solution.

FLETCHER	CHANDLER	COOPER	RACHEL
KENNEDY	COHEN	NOVOTNY	SCALIA
JOEY	O'CONNOR	ATWOOD	GINSBURG
SOUTER	ROBERTS	RICHARDSON	ROSS

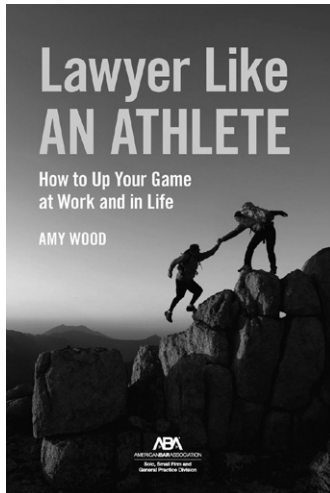
Category #1: _____
(Theme: _____)

Category #2: _____
(Theme: _____)

Category #3: _____
(Theme: _____)

Category #4: _____
(Theme: _____)

BOOK REVIEW



Lawyer Like an Athlete: How to Up Your Game at Work and in Life

By Amy Wood

Publisher: American Bar Association (2024)

182 pages

Reviewed by Philip Back, Esq.

Don't judge a book by its cover, or even its title. The cover of this book depicts a mountain climber helping another climber (presumably a hapless lawyer) scale a boulder. For someone who hates exercise, the book's title, *Lawyer Like an Athlete*, suggests that the author will try to convince me to enter competitive sports in order to be a better lawyer. I was wrong.

This is an attorney wellness book, written by a *non-lawyer*. The author, who has a doctorate in psychology, offers a valuable perspective on attorney wellness. And if you don't believe me, believe her clients; she writes about her many lawyer clients throughout the book. Amy Wood has made a career of helping dissatisfied and frazzled lawyers around the country, and she puts on CLEs and seminars focused on attorney wellness.

Although the book does encourage lawyers to physically exercise, that is not its main thrust. I say *physically* exercise because the book is chock-full of mental (i.e., written) exercises, and the author absolutely encourages you to do those. Because the author is a psychologist and not a lawyer, she has no problem with labeling attorney wellness for what it really is -- self-help. *Lawyer Like an Athlete* is a self-help book for lawyers. While some attorneys might scoff at the idea of a self-help book -- and picture a shelf at a bookstore filled with dieting tips and advice on incorporating self-love or philosophy into your everyday life -- attorneys committed to personal wellness and being good lawyers would benefit from reading this self-help book.

Amy Wood's research into elite athletes offers valuable insights for lawyers. Many lawyers, like professional athletes, are very competitive and push themselves to the limit to up their legal game and succeed. By now you have learned from your wellness CLEs that the win-at-all-costs mentality has serious effects on the mental health of attorneys. Newsflash -- that mentality has adverse effects on the mental health of anyone. Wood's insight is that professional athletes, in their rarified domain, are people too, who struggle with the same feelings you have. Don't believe me, ask Simone Biles, the greatest gymnast of all time, who withdrew from most events at the 2020 Olympic Games (actually held in 2021) due to the heavy mental pressure caused by the competition.

Despite the immense pressure that lawyers and athletes place on themselves to be perfect, "there is no such thing as perfection" (Wood, 2024, 171). Nevertheless, Wood's research shows there are four key components that separate an athlete, even a winning athlete, from an elite champion. The author offers numerous examples of how star athletes incorporate the lessons in this book into their everyday lives. Additionally, Wood provides anecdotes about her clients that demonstrate how these four components can turn a lawyer, even a good lawyer, into a successful lawyer.

In no particular order, lawyers, like professional athletes, should have "exquisite" self-care, nourishing diversions, a grounded perspective, and thriving relationships. Improving these four elements in your life and legal practice can have positive results for your mental health and help you succeed -- however you choose to define that word -- in your career and personal life. However, it takes time and hard work, and the book makes no bones about it. The first 13 (out of 14) chapters contain written exercises requiring you (or any person in a hyper-competitive field) to think about your life and focus on incremental, achievable changes in these four key areas. The last chapter, "Go the Distance," is specifically written to "dampen your enthusiasm" for self-help (Wood, 2024, 166). It is a reminder that self-help is an ongoing process, and life gets in the way, sometimes leading to changes in goals and different measures of success over time.

Elite athletes do not just practice good self-care, they practice *exquisite* self-care. For lawyers and athletes alike, this involves getting enough sleep, eating healthily, taking breaks and vacations, and setting limits. While this advice goes against the conventional wisdom that a successful lawyer works longer and harder than others, eschewing sleep, breaks, and vacations, a successful

lawyer works smarter by practicing exquisite self-care. LeBron James did not score 50,000 career points by burning the midnight oil and frequently eating junk food. Likewise, "[e]ven if you are the most brilliant, hardest-working, most likable attorney in town, there are limits to how far you can go if you're neglecting fundamental needs" (Wood, 2024, 39-40). You can't be your best in court if you're sleep deprived and running on Snickers and Mountain Dew.

By now we've all heard of the importance of a work-life balance to avoid burning out. But making time for yourself and taking breaks is only part of the equation if you don't have nourishing diversions to counterbalance your heavy workload. Taking the time to do what you enjoy not only allows your brain to take a break from lawyering, but it also reminds you of why you are working so hard in the first place. But Wood's lesson isn't simply "all work and no play makes Jack a dull boy." The subtitle of the book is "How to Up Your Game at Work and in Life." Elite athletes know that excessive training and practice leads to diminishing returns, burnout, and possible injury. What's true for the body is true for the mind. Resting, and resetting your brain by doing something you enjoy, allows you to approach a legal problem with new ideas and energy.

While taking care of yourself lays a proper foundation for good lawyering, you must keep your head in the game by having a grounded perspective. This involves being an optimistic problem solver who is not weighed down by self-doubt and criticism. This is easier said than done, but the book provides numerous exercises to help you gradually change your point of view and reduce negative thoughts. When defeats happen, as they will, professional athletes stay positive and focus on the next win. They pick themselves up, learn from their mistakes, and carry on. Successful lawyers do the same, even after a major legal defeat or negative performance evaluation. It all depends on your perspective and what you tell yourself.

The hardest component of lawyering like an athlete is building and maintaining thriving relationships. Exercising, getting a hobby, and even thought conditioning, are all activities within your control, whether you believe it or not, but relationship building is not. Athletes do not become champions in isolation; it takes a team of supporters: coaches, specialists, family, and friends. Wood believes that successful lawyers should have an entourage of supporters too. Surrounding yourself with positive and supportive people can help reinforce your positive outlook and support you when you are feeling low and defeated. Building these relationships takes time and

hard work. Attorneys often say that dealing with other attorneys is the biggest stressor in their lives, and the author certainly recognizes that there are some people and relationships that cannot be changed. But the goal here is improvement, not perfection, and the author has plenty of advice on improving relationships and setting boundaries with unpleasant people.

Even if you don't like sports, or even exercise, and feel repulsed at the idea of "self-help," any lawyer, or other person driven to excellence in a competitive field, can benefit from the lessons and tips in this book. The author is not a self-help guru; she is a Psy.D. with evidence demonstrating that certain behaviors and mindsets can lead to im-

proved mental health outcomes in an industry with a disproportionate number of dissatisfied practitioners. While following all the lessons in this book may propel you to become the next chief justice or star partner in your firm, the author's thesis is not an all-or-nothing proposition. Improving even one of these four areas in your life can result in decreased stress and greater job satisfaction, and because "there is no such thing as perfection" in life, some improvement is better than nothing.

Philip Back, Esq. is a legal advisor for the Department for Children and Families, and a former assistant attorney general. He has held various legal positions in state govern-

ment since graduating from the University of Florida, College of Law, in 2008. ☞

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.

IN MEMORIAM

Richard C. Blum

Richard C. Blum, 90, of Enosburgh, Vt., died suddenly on Sept. 22, 2024, at the Northwestern Medical Center in Saint Albans, Vt.

Richard Clarke Blum was born on March 18, 1934, the eldest of three children. His father, Harry, was a pharmacist who became part owner of the Blum Folding Box Company. During World War II, Harry started as a U.S. Navy pharmacist mate and ended up as chief health inspector for the Port of Bermuda, where he was responsible for inspecting South American food supply ships before they convoyed to Europe. Richard's mother, Beryl (Clarke) Blum, was a nurse, homemaker and expert knitter.

Born in Brooklyn and raised in Roslyn, N.Y., Richard graduated from Earlham College in Richmond, Ind., attending through the GI Bill, and received a law degree from Brooklyn Law School. Later in life, he furthered his studies by doing graduate coursework in biology at Harvard University.

Moving to Vermont in 1964, Richard was a well-known and, occasionally, polarizing lawyer in Burlington for more than 30 years. When he first came to Vermont, he clerked for and worked at the law firm of Latham and Eastman in Burlington. He worked for the Vermont Consumer Protection Agency, was the first director of Vermont Legal Aid and had a law partnership with Paul Jarvis for many years. He was known for being unselfish in his efforts to help people in need. Toward the end of his career, Richard developed something of a specialty, representing other attorneys in professional disciplinary matters.

Richard was a one-of-a kind man. He was a storyteller known for his quick wit, irreverent humor and love of the English language. Richard was a great cook, loved par-

ties, and was an excellent deep-sea fisherman, especially for grouper out of Islamorada, Fla. He cut firewood and was an avid gardener known for his garlic. As part owner of Esos bar in Burlington, Vt., he authored and published the Esos Fables newsletter and was very briefly a weekend talk show host on WDOT radio. He once donated a copy of the full Oxford English Dictionary to the Fletcher Free Library so others could enjoy looking up an obscure word.

Richard spent the last 20-plus years in peace and harmony at a beautiful spot with gorgeous mountain views in northeastern Vermont with his longtime consort, Elizabeth Trotter.

In addition to Elizabeth, Richard is survived by his two sons, Alexander (Kim) and Lorenzo; former wife, Anne Kreisel; granddaughters, Emily and Amelia; and sister Doris and brother Andrew.

Francis X. "Frank" Murray

Francis X. "Frank" Murray, 80, of South Burlington, Vermont, passed away on Jan. 24, 2025 in Irvine, CA.

Born May 4, 1944, in Darby, PA, Frank was the second eldest of six sons of Michael and Helen Murray. He earned a bachelor's degree in political science from St. Joseph's University (Philadelphia) in 1966 while attending night school and working full-time at the FBI. Frank earned his Juris Doctorate from the University of Notre Dame Law School in 1969.

In 1967, Frank married the love of his life, Mary Anne Burke. Together, they moved to Burlington, Vermont, in 1970, where Frank joined his law school classmate, Joseph McNeil. He served as an Assistant City Attorney in Burlington from 1970 to 1971; Chittenden County Deputy State's Attorney from 1972 to 1974; and elected Chittenden County

State's Attorney, a role he held from 1974 to 1976. His legal career was marked by a deep commitment to justice and public service.

For example, while Frank was intensely supportive of our police departments generally, and good police work in particular, he also could not abide corruption. This commitment led him to lead a major prosecution of a police officer who had falsely accused citizens of drug dealing throughout Vermont. His work in securing a conviction received nationwide attention and resulted in the book "Mocking Justice".

Because of Frank's reputation for integrity, and despite him being a Democrat, Republican Gov. Richard Snelling asked Frank to serve as Vermont's first Lottery Commissioner in order to make sure that the program ran free of corruption, and he did so.

In 1977, Frank and Joe co-founded the McNeil & Murray Law Firm in Burlington, where he became a respected and trusted advocate. In 1990, he transitioned to solo practice in South Burlington, where, alongside Mary Anne, he continued serving clients with skill and compassion until his retirement in 2010.

During Frank's time in private practice, he was tasked by the City of Burlington to intervene in the first major test of Vermont's Act 250. In doing this, he assembled a team of urban planners and academics and then presented such a compelling case that the proposal for a "Pyramid Mall" in Williston was not approved in a landmark decision. As a result, Frank was invited by the American Bar Association to conduct a seminar on the strategy he used for lawyers across the country.

Frank also served on the South Burlington School Board from 1992 to 1994, and on the South Burlington City Council from 2009 to 2011.

Frank and Mary Anne built a loving fam-

ily, adopting two children, Ryan and Moire. Ryan resides in Irvine, California, with his wife, Sheryn, and their two dogs. Moire lives in Sudbury, Massachusetts, with her husband, Chris, and their two sons.

In the final years of his life, Frank battled dementia. As his condition progressed, he moved to a specialized memory care community in Irvine, CA, at the end of February 2024, where he received the care and support he needed.

Beyond his legal career and travels, Frank's favorite pastimes included playing, coaching, and watching basketball. He spent four years coaching Moire's teams and cheered her on throughout her high school years. As empty nesters, he and Mary Anne became devoted fans of the University of Vermont men's basketball team. Their dedication was recognized when they were honored with the University of Vermont's 6th Man Award during the 1998-1999 season.

Frank will be deeply missed by his family, friends, and all who knew him. His legacy of kindness, dedication, and integrity will live on in the many lives he touched. He is survived by his wife of 57 years, Mary Anne, children Ryan (Sheryn) Murray, Moire (Chris) Carmody; grandchildren Liam and Seamus Carmody; granddogs Oliver, Charlie, and Tucker; siblings Paul (Rose) Murray, Charles Murray, and Dennis (Ruth) Murray; sisters-in-law Maureen Murray and Betty Jo Murray; and a large extended family. Frank was predeceased by his brothers, Michael and Joe, and his sister-in-law Helen Murray.

Sandra L. (Sandy) Baird

Sandy (Sandra L.) Baird, 84, died suddenly on Feb. 10, 2025 with her family at her side: lifelong friend and partner Grant Crichfield, daughter Rosanna ("Rosie") Crichfield, grandson Nathan G. Allard.

Sandy grew up in Springfield, Mass., in a household composed of her parents and eventually five children — Sandy was the middle child. Her father had come to the U.S. from Scotland as an adolescent with his parents and siblings; Sandy often displayed her strong pride in being Scottish by wearing clothing or jewelry made of the Baird clan plaid or crest. Sandy's household and that of her grandparents were near one another, with a lot of exchange between them. Living on a dead-end street at the edge of the Springfield College campus, Sandy for the first 10 years of her childhood lived not only in a family of all boys but also on a street with only boys as playmates, she being the only girl. In later years she became an active feminist but always had the ability to get along with men and often related to them as comrades and brothers, perhaps an extension of her childhood years. Her mother's parents had come from Longueuil, Québec, to Plattsburgh, N.Y., and then to Springfield.

Sandy's mother was bilingual; Sandy thus often heard Scottish English and French at home. Perhaps for that reason, Sandy took a good bit of French right through graduate school and participated in local French activities in Burlington. Their home was situated near Watershops Pond, the place where she learned to swim, an activity she always continued in Burlington. Sandy felt proud of Springfield, based on her experiences growing up in an attractive city with a pond, woods, college, neighborhood movie theater and bus system at her fingertips and superior public schools, as well. She often took a drive to Springfield with Grant or Rosie and Nathan or friends to revisit.

Sandy graduated from Classical High School in Springfield and attended the University of Massachusetts in Amherst, from which she graduated with honors; there she especially loved history, which became her major. That's also where she met Grant Crichfield — they were both 18 years old; this was a connection that continued in various forms her entire life. By coincidence, they both decided to attend graduate school at the University of Wisconsin-Madison, where she pursued a master's degree in history and education. Employed by an afterschool job at a diner while in high school and then by insurance companies in Boston and Madison, she learned that her passions in life were political action and intellectual involvements, and she pursued them throughout her existence.

While in Madison, she and Grant decided to get married, which they did in 1965. After a few years, they adopted two girls, Caroline in Madison and Rosie in Burlington. While they eventually divorced, they decided to try to salvage the positive aspects of their connection, which they did the rest of her years. From the girls' babyhoods forward, Sandy and Grant took them to many places — Paris and Nice in France; Massachusetts to visit family; later to Martha's Vineyard and Rhode Island beaches for summer vacations; New York City and New Jersey to visit friends and see shows and the sights. Later, tragedy struck when Caroline was killed at age 30 in an incident of domestic violence. This spurred Sandy's commitment to legal and personal work on the issue of domestic violence and led to the creation of the Caroline Baird Crichfield Fund for Women in Need, which is still very active. When Rosie had a son, Nathan, Sandy was overjoyed at this addition to her family and was always proud of and tried to encourage his progress. Rosie and Nathan live in Sandy's house in Burlington; Sandy always tried to make it a safe harbor for all of her family and their friends.

Sandy finished her master's degree and taught history at Edgewood High School, a Catholic institution in Madison, and discovered she loved teaching, a profession she practiced much of the rest of her life in Burlington public schools, including Edmunds

School, which Caroline, Rosie and Nathan all subsequently attended. Sandy gave courses at several colleges in Vermont, especially Burlington College, where she became a popular and award-winning member of the core faculty. Finally, in recent years, she gave televised talks, seminars and presentations under the auspices of the Vermont Institute for Community and International Involvement, which she had created and loved doing.

Having grown up in a family that held strong political enthusiasms and often engaged in heated discussions, she continued in that way always thereafter. She was without fail very well informed about history and politics and enjoyed debate and discussion. One didn't want to be on a side opposing her views unless an expert on the topic. Other aspects of Sandy's political life were her run for mayor of Burlington and her election to two terms in the Vermont House of Representatives.

Her devotion to civic engagement was reflected by the numerous political and social-change entities of which she was not only a member but also many times the/a founder. She was a member of the committee that founded the Women's Health Center, which offered abortions a year before *Roe v. Wade* was decided. She won many awards over her life, not only for teaching but also for other activities; while Peter Clavelle was mayor of Burlington, he declared a Sandy Baird Day in recognition of her contributions. Having decided to become a lawyer, she did not attend law school but rather studied law as a law clerk, preparing for the bar exam under the sponsorship of John Dooley, eventual justice of the Vermont Supreme Court. She practiced in her early law career with the Chittenden County State's Attorney Office, then Vermont Legal Aid, and ultimately operated her own law office in Burlington and most recently at the Association of Africans Living in Vermont. Her focus was always on people who were underrepresented — as a result, her practice was often one of family law cases.

Sandy enjoyed and participated in a wide range of activities ranging from swimming in Lake Champlain (weather permitting, she went to the beach at least for a dip every day) to trips to the ocean. She loved movies — she typically saw a movie a week (often on Sundays with Grant) — musicals, popular music, clothes, jewelry (she was a sharp dresser). She had plans to join a choir (she was a good singer) and attended many kinds of social gatherings. Loving a good time, she recently purchased a black Ford Mustang, which created many comments, enthused reactions and a lot of fun. As she put it, "I'm having an old-life crisis and always wanted a standard-shift Mustang." Travel was high on her list: She fell in love with the people and culture of Cuba on her first trip there

decades ago and continued that connection with numerous visits and the founding of a study abroad program, including the University of Havana, through Burlington College. When Grant's work took him to Nice, France, for a year, she of course went with him — and that with two children in diapers and a cat and a dog. They took a trip almost every year and visited many countries in Europe, North Africa, Asia and the Soviet Union (twice), as well as Canada, Central America and the Caribbean. Sandy also participated in a delegation that made an official trip from Burlington to Palestine and Israel. Sandy often integrated her observations from travel into her activities, be it a course she taught on the "City in History" or a course on comparative legal systems.

Sandy really lived life to the fullest until the day she died. Many of us would modify that to: She lived her life at warp speed until the evening she died. She had a sense of mission that energized her to participate in a staggering number of organizations, movements, demonstrations, meetings, alliances, presentations and more. Her commitment to her notions of justice, fairness, equality, learning, peace and nonviolence governed her activities all her life, and the more so toward the end, when she knew her time among us was limited simply by her age. She had great compassion and an unstoppable drive to help the oppressed.

Sandy was predeceased by her daughter Caroline Baird Crichfield; her parents, Beatrice Aubrey Baird and Charles Baird; and three brothers, Vincent Baird, Charles Baird, Jr. and Rodney Baird. Sandy leaves behind her friend/partner, Grant Crichfield, her daughter Rosanna E. Crichfield and her grandson, Nathan Grant Allard, all of Burlington; and her sister, Bonnie Baird, Bonnie's husband, Cliff Sosnow, and their daughter, Laura Sosnow, all of Ottawa, Ontario, Canada. Sandy's survivors include numerous relatives in the Springfield, Boston and Wilbraham, Mass., and Syracuse, N.Y., areas; and in Denver, Colo., and San Juan, Puerto Rico.

James E. Hirsch

Jim Hirsch, a special son, brother, Dad, Grandad, Uncle and friend, lived 92 years with intention, even through his last days. Born in New York City on September 11, 1932, he was a city boy living near Central Park. He moved to a Woodmere, Long Island apartment with his parents and sister in 1939, where he went to elementary and high school. Jim was a strong student, loving math and science, facts and history. He had a chemistry set in his bedroom and liked to tell us that some of his experiments had varied outcomes, ie. small explosions. Jim attended the University of Pennsylvania, Wharton School, and then Cornell Law. In 1957, he enlisted as an Officer in the Navy and served

as a Judge Advocate General, traveling on the U.S.S. Lexington aircraft carrier across the seas until 1959. During that time, Japan and Hong Kong were favorite destinations, and memorabilia decorated his home including Kabuki dolls, a hand-carved bar, and plenty of well-aged alcohol from the Navy commissary.

Along the way Jim met our mom, Bobbee Samuels, whom he married in 1957. In '59, Jolinda Lee was born in San Diego, CA where he was stationed, and soon after they returned to their families in NY. Jim worked in NYC for years, practicing law and establishing JEH Associates, investing for his dad, or as we knew him, Pop Pop. Dad had a fascination and understanding of the stock market. Blue chip stocks were his go-to, and he rarely sold a stock. He took pride in realizing financial success for his family. Living in Queens, NY, another daughter was born...Torrey Anne. The next move was to Mount Kisco and a daily train commute for Dad to NYC. Five years later, he pursued a dream to move to Vermont and in 1969, a long and rich chapter of Dad's life began. He was honored to be hired by then Attorney General Jim Jeffords to become an Assistant Attorney General. He moved to Stowe and planned for his family to arrive in the summer of 1970. With a view of Mt Mansfield, outdoor thermometers installed, Dad tracked the weather for over 50 years. He was thrilled when the first snow arrived, and never surprised when the Mountain stayed open late into spring. The winter of '70 was one of the largest snow falls in history and so began the shoveling for 50 years on Shaw Hill Road. Dad loved Stowe, VT. He and his dad came to VT in the '40's and the snow, the mountains and the town captured his heart. He skied and played golf into his early 80's, traversing every trail on Mt Mansfield. He had many an après' ski drink at the Matterhorn. He loved the Trapp Family Lodge, Topnotch, and visiting the Stowe Dump (as well as WDEV's Saturday morning program 'Music to Go to the Dump By'). As he aged, he so appreciated the kindness and support from staff at the TD and Union Banks, Shaw's, and the Post Office. He frequented local restaurants and bars, knew most of the locals, and took delight in hikes to Bingham and Moss Glen Falls. In recent years came the Alchemist, creators of Dad's favorite beer, Heady Topper, and the wonderful owners who gave him a seat in their house like family. Dad loved the magic of nature — forests, mountains, lakes, and animals. He had three German Shepherds — Louie, Barney and Ruffian — whom he treasured over decades. He loved birds, and admired and supported the work of the Cornell School of Ornithology, as well as VINS, the VT Institute of Natural Science in Woodstock and Montpelier. Dad loved his girls, Jolinda & Torrey, proud of their accomplishments and appre-

ciative of them sharing their lives and families nearby in VT. He took great delight in his grandchildren's activities and accomplishments -- football, basketball, field hockey and art. Celebrating occasions with family and friends, whether birthdays, Thanksgiving or Christmas, was always important. And at each event, Dad raised his glass before the meal to speak about the world, gratitude and family. He always thanked the hosts for hosting. Jim was a member of the Montpelier chapter of Rotary International for many years. Upon retirement, he was an active member of SCORE (Senior Corps of Retired Executives) volunteering time to provide financial counseling to Vermonterers as they planned their first business venture. He was a Mason, a member of the Mutuo Club in Barre, and the Washington County Stamp club, collecting stamps since his Uncle Sam gave him leather bound stamp books when he was 7. He also loved chess, ping pong, watching football (avid NY Jets fan), and trivia at the dinner table. Dad loved good food and spirits, and we will toast to him again and again with appreciation for sharing his life with us.

He leaves his daughters Jolinda (husband Jamie) & Torrey; his grandchildren Chelsea (husband Jason), Tucker (wife Stephanie) and Jillian; his great grandchildren Cruz, Teak & Luke; his former wife, forever friend, and mother of his children, Bobbee Hirsch; and later in life spouse who became a dear friend, Rebecca Aarts. Jim's sister Elaine, a centenarian, has always been an important part of his life, and Jim cared deeply for her children, Diane and Steven, and their families. His brother-in-law John Samuels, and his children Debbie (deceased), David and Kim, and their families, also touched his life. Former son-in-law's Rob & Richard (deceased), and cherished Grammy, round out the inclusive family clan who made Dad smile. Finally, a small cadre of friends including Bill & Pat Griffin, John & Jen Kimmich, and neighbor Preston Gregory left an everlasting imprint on Dad. Jim was predeceased by his father and best friend, Abraham Marcus Hirsch, his mother, Henrietta Strumwasser Hirsch, and his cousin and close friend, Dick Kraus.

Christopher D. Dye

Christopher D. Dye passed away on November 8, 2024. Chris Dye often roared with laughter, deep from his belly and without restraint, loud enough to be heard in the four corners of any room and far down a hall. With quick wit, an ever-present sense of humor, and a surprising lack of defensiveness, he could dissolve a tense moment into hilarity, the emotional tenor of a conversation transformed and wheeling off in a new direction, fast as quicksilver. He was a gifted storyteller who also enjoyed his own stories as much as did his listeners.

Born on April 17, 1944, Chris was the son of Stanley Marvin Dye and Eleanor Wood Dye. Chris grew up in Rochester, NY, graduated from Haverford College (1966) and from Cornell Law School (1969), after which he joined the VISTA program and was sent to Kansas City, Missouri.

Chris's time as a lawyer in Kansas City provided some of the highlights of his life. His legal skills soon drew the attention of Willard Bunche, the head of the Criminal Division of the Legal Aid and Defender Society, who invited him to serve as one of his defense lawyers—a happy time for Chris.

In 1974, drawn back to the East Coast, Chris moved to Boston. He worked for a time at Crane & Inker, and then for Thomas Troy, in South Boston, where he relished a return to criminal defense. Chris and his then wife moved to Vermont in 1979 and Chris eventually established a law practice in Bradford. He married Kesaya E. Noda in 2006, closed his office in 2008, and other than for a brief, part-time stint with Claremont's Leahey, Denault, Conaire, and Hodgeman, retired from the law to farm full-time with Kesaya. He took primary responsibility for Noda Farm's Christmas trees and blueberries, happy to stride through the fields, pruning clippers and loppers in hand. He was pleased when Kesaya called him "Farmer Dye."

Chris was diagnosed with Lewy Body Dementia and moved to Kendal with Kesaya in 2020. He died on Nov. 8, 2024, leaving his sister Alison Dye and her wife Alison Aldrich; his cousins Pamela Wood; Eric Wood; Mary Ellen Coulter; Peter, Philip, and Tessa Cassebeer; Martha Cristy Rossman, and Albert Cristy, and their spouses and children; his brother and sister-in-law David Noda and Kay Nishiyama, his many friends in Kendal and at Hanover Meeting; and his wife, Kesaya, who loved him dearly and will be forever grateful to the angels of Whittier Memory Care at Kendal who entered into warm relationships with Chris and cared for him ably and tenderly.

Alan Thorndike

Alan Thorndike was born on March 14, 1946, in New York, where he spent his first year — the only year he ever spent in a city. He was a creature of sunrises and sunsets, the ocean and rivers, forests and mountains.

He grew up in Westport, Conn., in a house on Long Island Sound, a house his parents bought for Alan and his older brother. There he swam, rowed and sailed. There he started his first business, digging clams from the mudflats and selling them to neighbors on Owenoke Road. He speared eels in the eel-grass and gave them away to those who would eat them.

At Deerfield Academy, Alan played varsity lacrosse and did well academically, which earned him admission to Dartmouth. Sports

were always vital to him, including soccer, tennis and skiing. In 1960, after a number of vacations at the Stowehof, his parents bought a house on Pike Street in Stowe, and all through his college years Stowe was a steady destination.

After graduating from Dartmouth in 1968, Alan moved to Stowe and joined the Mt. Mansfield Ski Patrol while working at Sister Kate's. In 1970 he graduated from the U.S. Coast Guard Officer Candidate School, then served as a lieutenant with the Coast Guard's search and rescue program in the North Atlantic. Soon after he was hired by the Dartmouth Office of Admissions, where he helped welcome the first college class that included women.

A law career beckoned. He moved to Maine to attend law school and was a member of the Maine Law Review. There he married the love of his life, Ellen Eddy, with whom he spent the next 50 years. Upon moving back to Stowe, Alan interned at Stackpole & French, then detoured briefly to start an apple orchard in Shoreham.

Alan began his long Stowe law practice in 1980 with his partner and close friend, George Stearns. He loved being a small-town lawyer and would often cross-country ski to real estate closings and client meetings. In 1986, Stearns and Thorndike merged with Averill Laundon and Richard Darby to form Darby, Laundon, Stearns and Thorndike. Alan's partners report that he was always an active and superlative lawyer. If you knew him, you were no doubt regaled by one of the greatest vocabularies to exist, legally and otherwise.

Over the years, Alan was passionate about the Stowe community and gave back in countless ways. He was president of the Stowe Rotary from 1985-1986. When Stowe's school funding was decimated in 1997 by Vermont's Act 60, Donna Carpenter and Alan founded the Stowe Education Fund.

He joined the Stowe Land Trust in 2007 and was president when they acquired Cady Hill Forest. In 2012, as board chair and executive director, he announced his rules of engagement: "We will start on time, we will end on time, or preferably earlier. Keep diversion and digression to a minimum, stay on target, we have important work to do." Most recently he was honored with emeritus status.

At their home on Taber Hill, nothing made Alan happier than stacking firewood, tapping maple trees and tending to Ellen's gardens. For many years he delivered Meals on Wheels with his friend, Kent Mitchell, often bringing birdhouses and providing birdseed for the beneficiaries, as well as taking photographs and delivering them framed. Much to their delight, he would also plant cucumbers for them.

Alan tapped into his passion for children

and youth sports by installing an outdoor ice hockey rink, soccer field, volleyball court, basketball net and basement mini-hockey arena for his two sons and dozens of friends to enjoy on their property. He served as a mentor and father figure to countless youth that came to his home on Taber Hill to recreate and burn off excess energy. He founded Stowe Youth Soccer with his friend, Don Post.

In recent times he loved cheering on his grandchildren at their soccer and lacrosse games and ski races, even as he continued to ski himself, and play tennis and pickleball. He had never played hockey before but picked it up after his sons began playing and scored the game-winning goal in the Hyde Cup at the age of 77.

Alan combined his passion for backcountry skiing and adventure by founding the Epic Events Club. His goal was to create an inclusive group of like-minded outdoor enthusiasts who had a passion for recreating in the natural beauty of Mt. Mansfield. On many adventures he could be spotted hanging a handcrafted sign on a tree for all to see and enjoy.

Alan's "Kiss the sky, embrace the earth" sign at the top of Skytop Ridge reminds backcountry skiers to enjoy the view as they pause for a quick snack. Al's single favorite event in Stowe was the Stowe Derby, in which he competed for an amazing 39 years.

Alan is survived by his wife, Ellen; their two sons, Porter (Amy) and Ted; two grandchildren, Cameron and Porter Jr.; and brothers, John and his son, Janir (LL) and their children, Max and Harper and Joe Jr. (Frances) and their children, Eliza and Drew.

Fred W. Houston

Fred W. Houston, 81, passed peacefully at his home in the wee hours of the morning on April 5th, 2024 after a night of watching footie (soccer for the rest of us) and chatting with dear friends. Fred lived a full life that took him around the world more than once. "For the sins of his youth" he went into law and practiced in Brattleboro, Londonderry and finally Wilmington before retiring into curmudgeonhood at his apartment at 6 South Main St. Prior to practicing law he was a member of Putney Folk at Windham College, then toured across the country as a roadie with Dawson Sound Company, hauling gear for bands such as Steely Dan and the Mahavishnu Orchestra. He is predeceased by his moustache, and his best friend of many years, Eileen Greber. He is survived by his sister Molly Savard, and his two children Clay and Justin Houston.

Richard T. Cassidy

Richard T. Cassidy passed away on April 21, 2025, at the University of Vermont Medi-

cal Center in Burlington, Vermont after a valiant struggle with cancer. He was born in Rutland, VT on July 13, 1953, to Paul P. Cassidy and S. Helen Cassidy. He graduated from Mt. St Joseph Academy in 1971 and the University of Vermont in 1975. After marrying his beloved Becky (Burr) in 1974, they relocated to Albany, NY where he attended Albany Law School at Union University graduating in 1978. That summer, after he passed both the New York and Vermont Bar exams, Rich and Becky moved to Montpelier where Rich began a yearlong clerkship to the Hon. Robert W. Larrow at the Vermont Supreme Court. The following year he became Chief Law Clerk and worked for Chief Justice Al-

bert W. Barney. He entered private practice in Burlington following his clerkships, originally with the firm of Hoff, Wilson, Powell and Lang and then with Hoff Curtis.

In 2020, he formed Rich Cassidy Law, in South Burlington and practiced with Matt Shagam and Amanda Lee. Currently he practiced with his law partner and old friend, Michael Brow.

He served his community, state, and nation with dedicated enthusiasm. Governor Howard Dean appointed Rich to the Uniform Law Commission (ULC) in 1994 and he was reappointed by every successive Vermont Governor, still serving at the time of his death. He was a Past President of the ULC, and he and

Becky delighted in bringing the annual conference of the Commission to Stowe Mountain Lodge in 2016. He was a member of the Board of Governors of the American Bar Association (ABA) from 2005-2008 and was Chair of the ABA's Standing Committee on the Delivery of Legal Services. He represented the Vermont Bar Association in the ABA House of Delegates. He was currently serving on the Vermont Bar Association Board of Managers and was President-Elect. He is former President of the American Counsel Association. He chaired the South Burlington School Board from 2007 through 2013. He proudly served as Counsel to the Burlington Police Officers Association and as a Legal Analyst for NBC5.

He leaves Becky Cassidy, his wife of 50 years, and his sisters: Joanne (Dick) Navin, and Mary (Carl) Mazzariello. He was predeceased by his sisters, Paula (John)Turner, Margaret Cassidy, and his brother, Sam Ingraham. He also leaves his nieces and nephews: Lisa (Stacey O'Neil), Tony (Donna) and Carla Mazzariello, Mark Navin (Rob Temoteo), Lisa Fuller (Steve), Rick Navin (Lisa), Tom Navin (Mike O'Neil), and Krista Navin (Josh Schroeder), Cathy Seguin (Bill), John Turner (Sharon Cook), Laurie Turner (Senta Mungar), Patty Tervo (Steve), and Mike Turner (Kelly).

Additionally Rich cherished his 3 granddaughters by affection: Emma Chaffee, Alexandria Kennedy and Reese Billings.

Rich loved Lake Champlain and his Queen City Park neighborhood where he was a popular walker with his beloved dogs, Baxter and Sophie Ann. Both dogs learned to pause as human social interaction slowed their pace but added to the congenial and happy environment in which they frolicked. Healthier summers saw Rich and Becky launching their Adirondack Guide Boat for a row across Shelburne Bay often with Baxter or Sophie in the prow. Trained in his childhood as a swimming racer, Rich delighted in stroking across the bay with his identifying orange swim buoy trailing behind.

Throughout the last fourteen months, an extraordinary group of friends and neighbors have supported and assisted Rich and Becky on Rich's journey. Our thanks to Dr. Dennis Beatty (Dennis the Archangel), Julie Beatty, Dr. Julie Olin, Dr. Chris Grace, Dr. Jim Wallace, Paul Cillo, Andi Higbee, Lori Hayes and Mark Chaffee, Karen Villanti, Patty, Don and Buffy Malenfant, Sandy Julius, Mike and Deb Brow, Marcy King, Bob Paolini, Matt Shagam and Courtney Seale, Dr. Nate Heiman and Therese Fafard, Dr. Annie Kluetmeier, Tom McCormick, Monsignor Richard Lavalley, Dane and Diane Bacon, Scott Bacon and Nicki Trotter, Tom Powell and Wendy Bratt, Joy and Jim Grossman, JoAnne and Reese Billings, the Margulius Family, Dan Smith, Carl Lisman and Deb Smith, and Jeanne Kennedy. 🙏

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