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247

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VERMONT BAR JOURNAL

Vol. 52, No. 3

Fall 2026

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Published four times a year by the
Vermont Bar Association.

Subscription rates: 1 year \$35. 2 years \$65.
Printed by Sutherland Printing.

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PURSUIT OF HAPPINESS

Alistair Deakin Esq. - Put Your Records On

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KV: Hi Alistair! As you know, for this feature we talk to attorneys about what they do outside of work to maintain work-life balance. You have a challenging new job as Executive Director of Vermont Legal Aid, so I think you are a good person to address this topic. Why don't we start with a little about VLA? Can you lay out the basics of what VLA is and what it does for those who may not be familiar with your work there?

AD: The simplest way to describe Vermont Legal Aid is that we are the law firm for Vermonters who cannot afford a law firm. As a country, we are founded on the constitutional principle that everyone has equal rights. But those rights mean very little unless people can actually access the systems our state and communities are built around, and unless those systems treat people fairly. That is where we come in. We work in health care, mental health, housing, economic rights and individual rights.

Together with our sister organization, Legal Services Vermont, we field about 26,000 requests for legal help each year and directly assisted roughly 18,000 Vermonters last year. Eighty-five percent of the people we serve live below 125 percent of the federal poverty level. Those numbers translate into real outcomes. Over the past year, for example, we helped more than 800 families avoid eviction and found lasting housing solutions for hundreds more.

KV: We have all seen the headlines. You are coming into the job at a time when demand is high, particularly around housing, health care and economic security, and federal support is low, to put it mildly. I know you have only been in the job for four months, but can you talk a little about how you are meeting the challenges, or perhaps how you are beginning to plan for them?

AD: I can take very little credit for how the 90 or so professionals at VLA and LSV have been meeting these challenges. The honest answer is through long hours and a fair amount of heroics. My role is to make sure the team is well supported, that we are excellent stewards of our current resources, that we collaborate in powerful ways with community partners, including the Vermont Bar Association and the Vermont Bar Foundation, and that we bring in new support wherever possible. We also have to think beyond the immediate crisis and build an organization that can continue doing this work sustainably.



KV: Okay, we will come back to that, but let's shift gears and introduce you. Perhaps the first thing people around here notice about you is your British accent. Please explain.

AD: Well, I have a British Mum and a British Dad, and I was born in Britain. The accent seems to work in the United States, so even though I have been here since the 1980s, I plan to hold on to it for as long as I can. I did my early schooling in Britain and Belgium, then came to the United States for law school, and never left. I love the ideals this country aspires to, and I love that I have been able to raise a family here and contribute.

KV: And now, the fun part. You have a lifelong love of music and, in particular, of albums. What is it about the album as an art form that is so important to you?

AD: I grew up in an age when albums were special. We had limited money, so being able to buy one meant something. You would line up at the record store when a new album came out, then rush home to play it, either alone on headphones or surrounded by friends and family. And you played the whole thing. The order of the songs mattered. The artwork mattered. Even the songs you did not love immediately became part of the experience. An album could take you somewhere in a way that a single song could not. Albums carry a kind of memory imprint. You remember not only the music, but where you were,

who you were with and who you were becoming. Over time, I have come to realize that they do not just connect us to artists. They connect us to particular times in our lives and to one another.

KV: What do you think gets lost when we listen only to individual songs or put everything on shuffle?

AD: When algorithms serve up only the hits, and we can skip anything we do not immediately recognize, we lose much of our connection to the artist's larger vision. An album has an architecture. One song sets up the next, the mood develops, and sometimes a track that seems unremarkable at first becomes essential in context. Listening more deeply also requires patience, and patience is part of the experience. Shuffle can be fun, but it cannot recreate the journey the artist intended.

KV: What makes an album a great album for you?

AD: That is a great question, and it is hard to give just one answer. For me, great albums are the ones we play until we nearly wear out the grooves. They speak beyond their own time, but they also pushed the boundaries when they were made. They have a distinct identity, reward repeated listening and feel complete. Even the quieter tracks belong. And somehow, after decades of listening, they can still surprise you.

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KV: You told me that one of the things you love best about this, perhaps the thing that means most of all, is that talking about favorite albums can be a surprisingly good way to get people to tell stories, particularly men, who are not always good at sharing them. Why do you think music opens that door?

AD: I think all art breaks down barriers between us. It gives us a vocabulary, but it also provides a safe on-ramp to deeper conversation. Ask someone about the first album they bought with their own money, their go-to album during hard times, or the record they borrowed from a family member, and a story usually follows. Before long, you are not really talking about the album. You are talking about family, friendship, loss, love or who you were at a particular moment. Music makes that conversation feel natural. And it is fun.

KV: I know you have groups of friends whom you contact every day to ask what they are listening to and to share what you are playing. What do those daily exchanges mean to you? What value do you find in them?

AD: My groups of friends love to share the day's soundtrack. It is a way to express our mood and put something positive into the world. It is also a simple signal that we are here, living our lives and want-



ing to stay connected. Some days it leads to a real conversation. On other days, sharing an album is the whole exchange. Either way, it says, 'I am thinking about you,' without requiring a grand occasion.

KV: Can you tell me how that daily musical check-in began?

AD: We had been sharing album stories for as long as I can remember, but when COVID arrived, we made it more formal. Each week we chose a theme and picked our 'best' albums. The important part was

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that you had to share not only the album, but why it was special to you. That gave us a way to talk about relationships, work and cultures from around the world. Norwegians, Brits, Americans, Mexicans, Belgians, Canadians and Panamanians were all sharing stories and learning how each of us had been navigating life with a soundtrack.

KV: Has a friendship ever deepened because of a shared love of music, or have you discovered an unexpected connection with someone because of an album?

AD: Absolutely. I have dozens of examples. Music has helped turn acquaintances into friends and good friends into closer ones. Sometimes the connection comes from discovering that someone loves the same record you do. More often, it comes from hearing why that record matters to them. Once someone trusts you with the story attached to an album, you know something real about that person. The shared taste starts the conversation, but the story deepens the friendship.

KV: You play a CD at work every morning and invite VLA staff to choose one too. How did that tradition begin? What have you learned about your colleagues from the albums they choose?

AD: It is a new tradition, since I have only been in the job for about four months. But it is a joy to discover that you share someone's taste, and it creates small moments that feel special. Every so often, it is simply time to crank up the George Michael. The work at VLA is difficult, so it is good to find a little magic in the middle of it. The choices have confirmed that my colleagues are a wonderfully diverse group who appreciate everything from classical music to rock and who know how to live full lives beyond the important work they do.

KV: I have to ask: How large is your record collection? Do you have a favorite genre?

AD: I have been paring down my vinyl collection to the favorites, but it still numbers a few hundred records. I have been giving some away to friends and family if I know they will play them. I believe albums should be heard, not simply displayed on a shelf. I also have a couple of thousand CDs, which are still easy and inexpensive to find in thrift stores. Those are the ones I play at the office. I do not know that I have one favorite genre. What I love most is finding an album with something to say, whatever category it falls into.

KV: Favorite album? And why?

AD: Abbey Road by the Beatles. It has carried me through some of the hardest periods of my life, and it is a powerful point

of connection with my closest friends and my brothers. It has genuinely brilliant individual tracks, the extraordinary medley and the perfect closing thought: 'The love you take is equal to the love you make.' It is an album I can return to in almost any season of life and still find what I need.

KV: Has your taste in music changed over the years? Are there albums you understand differently now than you did when you were younger?

AD: My taste has evolved, but I do not think you ever lose your first love. I grew up with the Beatles, Dire Straits, Talking Heads, the Cure, Pink Floyd, David Bowie and Paul Simon, and I have not lost any passion for them. But I also love many newer bands and albums. What has changed most may be the way I listen. When I was younger, I heard the immediacy and energy. Now I am more likely to hear the craft, the restraint and sometimes the sadness underneath. The record stays the same, but we bring a different life to it each time we return.

KV: Let's shift gears again and talk about how you found your way to Vermont Legal Aid. You told me over lunch recently that stumbling across an LSAT preparation book belonging to one of your American friends during your student days at the London School of Economics had quite an impact on your life's trajectory. Can you share that story?

AD: I read *To Kill a Mockingbird* when I was about ten, and it lit a fire in me. I wanted to be Atticus Finch. From the beginning, I was drawn to the idea of standing up against imbalances of power. I went to the London School of Economics expecting to enter politics, but I had American roommates who loved the Beatles, Billy Joel and the Rolling Stones. I watched them prepare for the LSAT, and it sparked the idea that I could become a lawyer in America, like Atticus. I sat for the LSAT in London and did well enough to have several law-school options. I chose Emory University, in the hometown of Martin Luther King Jr. and the Southern Christian Leadership Conference, and received a public-interest law fellowship.

KV: Do you ever think about how different your life might have been if you had not picked up that book?

AD: I think my life has turned out exactly as it was supposed to. There is a thread running through it, even if I could not see it at the time. One album at a time. And this chapter at VLA feels like my Abbey Road. I get to pour everything I have learned into Legal Aid and into Vermont.

KV: Can you give me an elevator-ride summary of your career after law school and the path that brought you to VLA?

AD: It would have to be a long elevator ride. I began at Atlanta Legal Aid, working on bank lending, and then moved into minority-business access issues. I consulted with the United States Department of Commerce and the post-apartheid South African government, followed by a period in investment banking focused on socially responsible investments. I then spent two decades building stronger systems for mental health, addiction treatment and child welfare. During that period, I was drawn into the world of technology and data. Immediately before coming to Vermont Legal Aid, I focused on building stronger teams and employee engagement in a new era of advanced technology and remote work. It may not look like a straight line, but each experience taught me something I can now bring to VLA.

KV: Is there anything you would like to share with our readers about yourself, VLA or both while we are here?

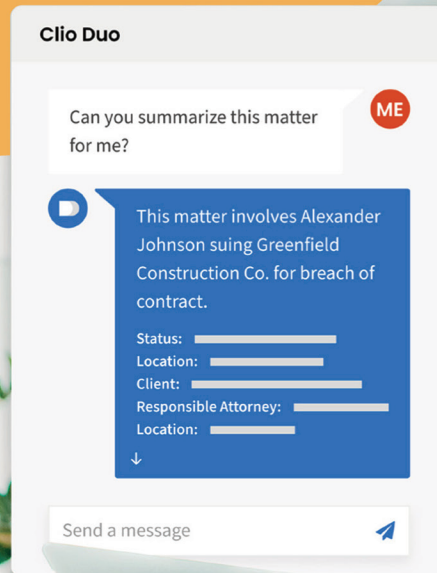
AD: I am all in on VLA. It is critical infrastructure for Vermont. Like me, it is approaching 60 years old, and it continues to grow and adapt to a changing world. Our team works long hours for modest pay to support some of the most vulnerable people in Vermont, and we can use all the help and partnership available. I would invite readers to reach out to me, learn more about what we are doing and talk about how we might collaborate for the future of this great state.

KV: Finally, can you recommend an album that you think I and all our readers should hear, or perhaps hear again with an ear for some special nuance?

AD: I've been back into Talking Heads' *Remain in Light*. It's genius. It speaks to how a band can reinvent itself and find something special by pulling out the strengths of all bandmembers, not just the iconic front man. Brian Eno produced it, and encouraged the blending of American Rock and African music. He compared the creative process to "looking out to the world and saying, 'What a fantastic place we live in. Let's celebrate it.'" I think it's the perfect album for the time we live in.

KV: Alistair, thank you for sharing your pursuit of happiness with us. All best wishes to you and all the VLA attorneys. 🐾

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WHAT'S NEW

VBA Annual Report 2025-2026

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The Vermont Bar Association's annual report covers activities during the period Sept. 1, 2025, through Aug. 31, 2026, which is the VBA fiscal year.

I am nearly seven months into my new role as executive director of the Vermont Bar Association. I'm happy to report that I remain grateful and happy to be here. My transition from director of education and communication has been smooth — thanks to the exceptional people around me. Our cherished former executive director, Bob Paolini, remained with the VBA through the legislative session as director of government relations. Bob has always been outstanding in that role and will be a hard act to follow.

The rest of the staff has been rock-solid. Our associate executive director, Lisa Maxfield, continues to keep the Association on track financially and in almost every other way. Laura Welcome has been promoted to programs director and has taken on primary responsibility for our continuing legal education programming, stepping up flawlessly. Mary Ashcroft, Esq., our legal access coordinator, is not only a pillar of the VBA but a pillar of the entire Vermont Bar. She oversees the VBA's pro bono and low bono projects and our thriving Lawyer Incubator project, which we conduct in partnership with Vermont Law and Graduate School. The Vermont Judiciary convened its Commission on the Delivery of Legal Services last fall, and Mary's work repeatedly surfaced in multiple subcommittees as evidence of her key role in holding the line on access to justice in Vermont. Our own Tom Barrett, who started at the VBA when I did, some four and a half years ago, has mastered member services and the Lawyer Referral Service. Our office administrator, Caitlin Janus, has made herself invaluable to our daily operations.

Of course, the organization is guided by our Board of Managers, and I am grateful to them as well. I am grateful for their assistance to me personally and for their efforts — volunteers, one and all — to maintain the Vermont Bar Association as a force for good in our state. In that, they mirror our members. I am thinking, by way of example, of the Board of Managers' statement in support of the rule of law, which they issued in February 2025. You can read that here: <https://www.vtbar.org/board-of-managers-issues-statement-in-support-of-rule-of-law/>

This statement was presented to the membership at our Mid-Year Meeting in Manchester in March of that year and unanimously endorsed. When the history of these times is written, I am confident that posterity will judge that in Vermont we held the line for the American norms of democracy and decency.

Finally, we pride ourselves here at the VBA on maintaining person-to-person contact with our members. If you need help with anything in our bailiwick, don't hesitate to reach out. If you have questions or ideas for us, please let us know. We answer our phones and emails.

Here's more about what happened last year.

I. Legislative Developments

The Vermont Legislature adjourned its 2026 session on Friday, May 29, just shy of five months after lawmakers first convened in early January. The Senate gavelled out at 5:51 p.m., and the House at 7:46 p.m., capping a session that, like the 2025 session, ran into overtime. June was busy in Gov. Phil Scott's office as the work of the Legislature came to him for signature.

Bob Paolini, as noted, retired from the executive director position in February of this year, but he stayed on to handle our legislative agenda until the end of the session. The VBA had three legislative priorities originating from three of our most active sections: Probate and Trusts, Family Law and Real Property.

With Bob's guidance and the attention and hard work of many concerned VBA members, all three efforts received the governor's signature.

S. 179 — Uniform Disclaimer of Property Interests Act

Disclaimers are an important technique in the estate planning process. Vermont's 1985 disclaimer statute was out of date. Our Probate and Trust Section adapted the Uniform Law Commission act for Vermont as S. 179. House Judiciary Chair Martin LaLonde initially told Bob that he didn't think the House would have time for "another uniform bill" this biennium. In early December, Bob raised the issue with Senate Judiciary Chair Nader Hashim. Senator Hashim, who is an attorney as well, asked for a draft and agreed to introduce it. It be-

came S. 179.

The effort to get it through was led by Probate and Trust Section Chair Mark Langan and Matt Getty, who chaired the drafting committee. Mark testified in person at the Legislature on four occasions, and Matt attended two hearings remotely. Late last year, Bob also brought the bill to Chris D'Elia, president of the Vermont Bankers Association, whose Trust Committee endorsed it. Chris also testified in support.

The bill passed the Senate on March 13, 2026, and the House on April 30, 2026. It was signed into law on June 8, 2026. It is codified at 14 V.S.A. § 4101.

Mark and Matt, along with Carol Pfeiffer and Mark Melendy, taught a CLE on the new law for the VBA on June 5. You can access it in the VBA digital library.

Family Division Judgment Renewal Issue (Blake v. Petrie)

Vermont family lawyers were troubled by the decision in *Blake v. Petrie*, 2020 VT 92. The case concerned the renewal of judgments in family court cases. The Vermont Supreme Court held that a motion to enforce a divorce property-settlement judgment, standing alone, did not validly renew that judgment under the version of 12 V.S.A. § 506 then in effect.

The decision said that § 506 required a creditor to file a "new and independent action" within eight years of the judgment's rendition. Because the plaintiff filed her 2019 enforcement motion inside the original divorce case, not as a separate civil action, the court held that it did not renew the 2011 money judgment. Her collection effort was therefore time-barred.

Vermont's family lawyers were not happy. They agreed with a concurring opinion that urged the Legislature to reconsider this result for Family Division divorce judgments involving money or property awards.

Attorneys Leslie Black and Amber Barber drafted the corrective language. They testified about it at a House Judiciary Committee hearing. Bob testified to the substance of that portion in Senate Judiciary. The provision was eventually included as part of the miscellaneous judiciary bill, H. 937, which passed on June 18. It was made effective immediately.

As amended, 12 V.S.A. § 506 provides that renewal of a Family Division judgment for money or property is initiated by a mo-

tion to renew in the county that issued the underlying judgment. The motion must be served as a new divorce or parentage action would be served, and a renewal judgment restarts the eight-year period.

Kirshon "Fix" — Property Deed Interpretation

Our Property Law Section was dismayed by the Vermont Supreme Court decision in *Kirshon v. Abdooley-Mills*, 2026 VT 2, which came down in early January. The decision created confusion over the grant clause versus the habendum clause in property deeds, with the court determining that a conveyance that Vermont practitioners would have called a joint tenancy instead created a tenancy in common.

The section moved quickly to get a legislative fix. Rather than submit a separate bill-drafting request, Bob worked with Rep. LaLonde to fold it into the miscellaneous judiciary bill, H. 937.

Property Law Section Co-Chair Jim Knapp and CATIC counsel Liz Smith drafted the corrective language, reaching out to other section members to get a consensus. Jim and Liz testified before the House Judiciary Committee, persuading members of its necessity. In the Senate, the Judiciary Committee relied on a presentation

from legislative counsel Erik FitzPatrick. Outreach efforts to the Franklin Grand Isle County Bar Association, the Vermont Bankers Association and the Vermont Association of Realtors generated supportive engagement with legislators.

The Senate added several amendments to the House-passed version of H. 937 but left our Kirshon-fix language untouched. House Judiciary reviewed those amendments and approved them, the House concurred, and H. 937 was signed by the governor on June 18, carrying both the Blake v. Petrie fix and the Kirshon fixes across the finish line. It is codified at 27 V.S.A. § 2(a).

Vermont Legal Aid Funding

The VBA Board of Managers voted at its January 2026 meeting to support the efforts of Vermont Legal Aid to increase its funding, which had been severely reduced by federal cuts. Bob reached out to the House Judiciary, Human Services and Appropriations committees. Appropriations added \$300,000 to VLA's budget: \$200,000 for immigration work and the remainder for the call center and intake services. In the end, the funding language also made its way into the miscellaneous judiciary bill, which passed as well.

The VBA also supported VLA's push to

extend funding for its tenant representation project beyond October, when it is set to expire, and to expand the two-county pilot into a statewide program. Those efforts were, unfortunately, unsuccessful. The new biennium starts in January.

II. Other Developments of Note

Continuing Legal Education

One of the core functions of the VBA is providing education. We are the largest provider of continuing legal education in the state, and we offer programs covering a range of topics, including developments in the law, legal ethics, law office management, attorney wellness and legal skills. During the last fiscal year, we provided more than 100 educational programs.

These include the CLEs presented at our in-person meetings: the Annual Meeting in September, the Bankruptcy Section holiday meeting, the Young Lawyers Division Mid-Winter Thaw in January and our Mid-Year Meeting in March. We also offered 74 CLEs via Zoom last year.

Our CLE program depends on the generosity of our members and others who share their knowledge with the rest of us. Please see the CLE Honor Roll in this issue. We thank all the presenters who organized

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and taught sessions this past year.

We went off our beaten CLE path this year with the "AI Mastermind" series. This was a series of programs for a small group led by nationally known legal consultants Jared Correia and Josh Noffke. It was designed to help attendees integrate AI into their legal work. The course was a big commitment of time and money for those who enrolled, but the feedback was positive, and we are considering offering it again or presenting AI Mastermind, Part 2. If you'd be interested in seeing such an offering, let us know.

Collective Care Group

The VBA launched a Solo Practitioner & Small Firm Collective Care Group in March, led by Cassie Gillespie, LICSW. Cassie, who is on the faculty at the University of Vermont, has been a popular presenter at several of our in-person meetings. Her professional interests are centered on assisting professionals in high-stress occupations. In the pilot year, the group was opened to solo and small-office lawyers. Solo practitioners and attorneys working in small firms experience an increased risk for occupational trauma and workplace distress because they practice without the support of a team.

The programs were well received, and, working with Cassie, we have refined and expanded our collective care programs for the year ahead. We will be offering two groups. Group one will remain a connection space for attorneys who work as solo practitioners or in small firms. Group two is open to attorneys in workplaces of any size and will focus on trauma-responsive lawyering. You can read more about the upcoming sessions in Cassie's article in this issue.

Access to Justice and Workforce Development

Our state's longstanding access-to-justice coalition was reorganized last year. The coalition was established in 2004 as a joint venture of the Vermont Supreme Court, Legal Services Vermont, Vermont Bar Association, Vermont Bar Foundation, Vermont Law and Graduate School and Vermont Legal Aid. Other organizations have been added over time. The coalition's broad mission is to encourage and promote access to civil justice and collaboration among Vermont's major providers of civil legal assistance.

The coalition had always been chaired by a Vermont Supreme Court justice, but last year the court developed some concern about continuing in that role. Our VBA past president, Josh Diamond, stepped up to take the chair.

In October 2025, our Supreme Court also convened a commission to look at the issue of legal deserts in Vermont. The American Bar Association defines a legal desert as a county with fewer than one lawyer per 1,000 people — significantly below the national average of four lawyers per 1,000 residents. As a rural state, significant parts of Vermont meet the definition. The work here is obviously adjacent to the work being done by the Access to Justice Coalition. Again, Josh Diamond has stepped up to serve on that committee. The VBA provided information and assistance to the multiple subcommittees convened to examine efforts to support attorneys in coming to and remaining in Vermont. Reports have now been submitted to the commission, and recommendations are expected soon.

Loan Repayment Assistance Program

One of our innovative efforts in this direction is the VBA Loan Repayment Assistance Program (LRAP). Now moving into its fourth year, it is designed to assist attorneys burdened by debt so that they can work in underserved geographic and subject areas. The first awards in this next round will be made in early 2027, and an application deadline will be set shortly for early January 2027.

The LRAP program began in 2024, and to date, 34 recipients have received in excess of \$109,000 in LRAP awards. In the last fiscal year, we awarded \$54,000 to 15 recipients.

America 250

The Vermont Supreme Court formed an ad hoc committee more than a year ago to support activities celebrating the 250th anniversary of the Declaration of Independence. The VBA worked with the court to encourage legal communities in every county in the state to memorialize the event in some way. County bar associations around the state organized special events in their communities and local courthouses over the summer. The main day of events was held at the state capital in Montpelier on July 1, 2026. The VBA sponsored an American History Trivia night at a popular local distillery for the legal community and friends that evening, and everyone had a good time. 🍷

WHAT'S NEW

Section Chair Reports

Animal Law Section

Chair: Laura Fox

The VBA Animal Law Section was pleased to host another CLE with Vermont's Division of Animal Welfare, Vermont Animal Law Legislative Updates for 2026. We are grateful for the Division's continued engagement with the bar and look forward to seeing its recommendations implemented over the coming year.

Section members also participated in a VBA Trivia Night on July 1, and we are proud to report that we did not finish in last place.

Please find the Animal Law Section on VBA Connect to join us. Animal law intersects with every area of legal practice, from family law and housing to criminal law, environmental law, estate planning, and beyond. Whatever your practice area, we would love to have you involved.

Attorney Wellness Section

Co-Chairs:

Samara D. Anderson & Kelly Pouppore

Kelly Pouppore joined longtime chair, Samara Anderson, as co-chair in November 2025. Throughout 2025 and 2026, the Attorney Wellness Section has offered both in-person and virtual CLEs and has been working behind the scenes to bring new offerings to VBA members such as partnering with Lucky You in Burlington to provide an alcohol-free happy hour and workshop. The owner of Lucky You has an interest in continuing to collaborate on alcohol-free legal events in the future. Samara has offered several virtual classes each month through the VBA, both 60-minute CLEs and 30-minute non-CLE mindfulness classes. There is also an upcoming in-person wellness offerings – Samara will be part of the Surviving the Worst panel at the upcoming VBA Annual Meeting in September, where lawyers will be discussing how near-death experiences have altered the legal and personal lives and enhanced their overall wellness.

Samara and Kelly have both contributed to the Vermont Bar Journal by writing "Be Well" articles. Kelly wrote her first article introducing herself and discussing why she is interested in supporting attorney wellness, and Samara discussed how grateful she was to be hit by a truck because it slowed her down and allowed her to turn inward to begin the wellness journey as a stressed lawyer. Overall, the wellness section is focusing on creating future wellness offerings for lawyers that are fun, creative, cutting edge, and

will lower their levels of harmful stress hormones, with classes including Mindfulness with Horses, additional alcohol-free workshops, and forms of art therapy.

And in non-related legal, but story worthy news, Attention all Lawyers – in 2024 Samara started hosting library storytelling events across all public libraries in Vermont and will continue for many years to cover 187 libraries. Currently, she is on the 22nd library storytelling event with 165 and 16 more years to go! Please reach out to Samara if you have a legal or non-legal story worth sharing with a live audience at a library near you!

Bankruptcy Section

Co-Chairs: Ryan Long & Greg Fox

The Bankruptcy Section held its annual Holiday CLE on Dec. 5, 2025, in person at the Delta Hotel in Burlington. In addition to presentations on bankruptcy law topics, ethics, and caselaw developments, the audience was fortunate to learn from and interact with a panel of distinguished bankruptcy judges from Vermont and other northeastern districts. The Bankruptcy Section expresses its sincere gratitude to the Honorable Heather Cooper (D. Vt.), Kimberly Bacher (D.N.H.), Peter Cary (D. Me.), and (Mike) Kyu Young Paek (S.D.N.Y.) for traveling to the event to share their wisdom and insights into cutting edge bankruptcy issues with our local bar. This year's Holiday CLE will be held on Dec. 4, 2026 at the Middlebury Inn in Middlebury. Further details and the agenda will be publicized soon.

For those who cannot wait until December for more bankruptcy law programming, you are in luck! Bankruptcy Section members will be leading a panel on "Real Estate Issues in Bankruptcy" at the VBA's annual meeting on Sept. 25 at Lake Morey Resort in Fairlee. This is sure to be an engaging and educational program!

With several members of our local bankruptcy bar scaling back their practices or retiring in recent years, the VBA Bankruptcy Section has been focused on training and welcoming new attorneys to our local bankruptcy bar. On that front, the Bankruptcy Court and Bankruptcy Section hosted two Nuts and Bolts trainings over the past year: (i) a Chapter 12 (Bankruptcy for Family Farmers and Fishermen) Bootcamp CLE on October 17, 2025, and (ii) a Nuts and Bolts of Consumer Bankruptcy CLE program on April 17, 2026. These programs were well attended and lively. The Bankruptcy Section is also presenting on basic bankruptcy

topics and skills at the upcoming Pro Bono Conference, scheduled for October 29, 2026 in Montpelier. We encourage new attorneys as well as experienced attorneys to attend and start building bankruptcy work into their practices and pro bono efforts.

Business Law Section

Chair: Chip Mason

This past year has been a quieter one for the Business Law section. During 2025-2026, certain members of the Business Law section have been working with David Hall in the Vermont Secretary of State's office as part of an Act 10 working group looking at, *inter alia*: (a) the online business filing system; (b) harmonization of business organization laws and procedures; (c) changes to business organization statutes and rules, (d) trade mark registrations, including whether to update statutes and whether to add service mark registration; education, outreach, and support; (e) recognition that small businesses and non-represented businesses need help; (f) recognition of the services offered by the VLGS small business law center; and (h) partnership and collaboration among participants - how to expand and improve communication and collaboration among stakeholders within and beyond State government. This work is not yet done and expected to continue in 2026-2027.

If there are areas or topics of interest that section members are interested in learning about in a CLE or article, please reach out to me directly. Thank you.

Criminal Law Section

Co-Chairs:

Kate Lamson & Erica Marthage

The Criminal Law Section has been exploring two main areas to assist our members and plans to survey the Bar about them in the coming months. The first is whether Vermont should consider some type of hardship license to allow for limited driving after suspension in some circumstances. The second is whether Vermont should continue the process of conducting regional arraignments of criminal defendants.

Dispute Resolution Section

Co-Chairs: Neil Groberg & Richard Hecht

Continuing its tradition of lunchtime "Chewing on Conflicts" the Dispute Reso-

lution Section celebrated the 250th anniversary of the Declaration of Independence with a session entitled "A Revolutionary Chew." Vermont Law School Professor Peter Teachout explored the conflicts leading to the Declaration of Independence and the Revolutionary War as well as the internal tensions between the authors of this incredible document. The analogies to today's America are striking.

Honorable Superior Court, and former VBA President Judge Daniel Richardson was also a Chewing guest. As Judge Richardson showed us, in his discussion of his docket and how he approaches cases before and during trial, there is even room for non-adversarial interventions within the context of litigation itself.

The 2026 state legislative session produced some noteworthy law regarding mediation and conflict resolution. The legislature passed, and Gov. Scott signed, a provision establishing the position of mediator for the Vermont Labor Relations Board to assist when there is an impasse during collective bargaining. House Bill 951, see <https://legislature.vermont.gov/Documents/2026/Docs/ACTS/ACT144/ACT144%20As%20Enacted.pdf> (see page 147)

In addition, in an Act effective July 1, 2027, the legislature invalidated any contract provision involving a commercial financing organization that requires out-of-state face to face arbitration. See Act 142 (H648), an act relating to banking, insurance and securities. <https://legislature.vermont.gov/Documents/2026/Docs/ACTS/ACT142/ACT142%20As%20Enacted.pdf> (see page 106).

Finally, on a sad note, Vermont certainly lost another giant in the alternative dispute resolution field with the passing of Susanne Terry. We suggest you read her obituary which highlights her contribution to the field. <https://www.caledonialifeservices.com/obituaries/emma-terry>

We will continue to support non-violent and non-adversarial ways of bringing peaceful resolutions to our communities and nation. We urge fellow Bar members to reach out to us with ideas for programming ideas and concrete measures we can take.

Elder Law Section

Co-Chairs:

Glenn Jarrett & K. Heather Devine

In the last year, members of the Section presented a seminar on Medicaid planning at the VBA Mid-Year meeting in Burlington. We have also been occupied with tracking the changes the federal government is making in programs such as Social Security, Medicaid and Medicare. We welcome questions, which can be posted on VBA Connect. In addition, any ideas for CLE topics can be submitted to me on VBA Connect.

Environmental Law Section

*Co-Chairs: Hannah Smith,
Alison Stone, David Mears*

The year since our last report has been a busy one for our Section. A number of Environmental Section members were engaged in the conversations led by the Land Use Review Board over the summer and fall of 2025 as the Board completed their study of the land use appeals process. You can read the final report and recommendations at [https://act250.vermont.gov/sites/act250/files/documents/Act 250 Appeals Report final.pdf](https://act250.vermont.gov/sites/act250/files/documents/Act%20250%20Appeals%20Report%20final.pdf). Though at least one bill capturing elements of the report's recommendations was introduced (H. 820, [https://legislature.vermont.gov/Documents/2026/Docs/BILLS/H-0820/H-0820 As Introduced.pdf](https://legislature.vermont.gov/Documents/2026/Docs/BILLS/H-0820/H-0820%20As%20Introduced.pdf)), the legislature did not take it up in the most recent session. The Environmental Division did, however, adopt one of the recommendations and, starting in 2027, parties bringing appeals to the Environmental Division will be required to file the Statement of Questions simultaneously with the Notice of Appeal.

We also continued our annual tradition of holding an Environmental Bench/Bar event in cooperation with the Environmental Division Judges. Last November 12, the Vermont Law and Graduate School hosted the event in their Burlington space. VLGS Environmental Dean Christophe Courchesne welcomed the group and provided an update on the law school's environmental programs. We also enjoyed a robust dialogue with Judges McLean and Walsh, as well as a great presentation from the Court's law clerks on recent environmental court decisions, followed by a fun reception. We are planning another Environmental Law Bench/Bar event this this Fall on November 4 in South Royalton – look for an invitation soon!

In the spring, the Environmental Section convened a panel at the VBA Mid-Year Meeting on March 27 regarding river corridor and floodplain management and restoration titled "A River Runs Through It". VBA Co-Chair Hannah Smith facilitated an impressive set of presentations from Rob Evans, Saige Culbertson, Jon Groveman, Chris Campamy, Jenny Ronis, and Will Dodge. The panelists discussed the science of river corridor movement and the Department of Environmental Conservation's river corridor and floodplain mapping, as well as upcoming rule changes. The group engaged in a spirited discussion of the ways in which Vermont attorneys need to understand how changes in river corridor and floodplain dynamics are driving changes in policy and regulation.

Looking ahead, and as noted above, the VBA Environmental Section is organizing another in-person Environmental Law Bench/Bar event with a reception following.

We are also exploring other topics for CLE presentations on emerging and developing topics. The developments at both the state and federal level are occurring rapidly and there are many choices for topics that we can cover. We welcome your input on CLE topics or on ways we can better serve you. Please feel free to email any of the co-chairs or share your thoughts on VBA Connect, which is an underutilized tool we can use to engage with each other. We look forward to another busy year of networking and engagement as we serve our clients and the rule of law. Thank you for your engagement!

Immigration Law Section

Co-Chairs:

Becky von Trapp & Jill Martin Diaz

1. Continuing Education

During the past year, the Immigration Law Section of the Vermont Bar Association continued to provide education and resources regarding the evolving immigration landscape. At the Association's September Fall Meeting, Co-Chairs Becky von Trapp and Jill Martin Diaz presented a Continuing Legal Education program entitled "Employer Compliance, I-9s, Audits, and Workforce Planning," addressing immigration compliance issues and practical considerations for Vermont employers and practitioners.

Co-Chair Jill Martin Diaz, Executive Director of the Vermont Asylum Assistance Project (VAAP), continued to provide training and technical assistance to Vermont attorneys navigating the rapidly changing immigration landscape. VAAP launched its inaugural Immigration Academy, a day-long training orienting Vermont attorneys to immigration law, policy, and practice. Jill also presented VBA CLEs on Vermont's Act 31 and its protections for mixed-status families, and, with Co-Chair Becky von Trapp, on immigration, ICE enforcement, and workplace issues at the VBA's mid-year meeting.

2. Service to the Legal Community

Co-Chair Becky von Trapp also taught Immigration Law at Vermont Law and Graduate School during the Spring semester, contributing to the professional development of the next generation of Vermont attorneys. In addition, she launched a monthly immigration newsletter providing subscribers with timely updates on immigration law and policy, and, through her private practice, continued to assist Vermont businesses in securing work visas and permanent residence for foreign talent, as well as to assist individuals and families in navigating the immigration system and remaining together within their Vermont communities.

Through VAAP, Co-Chair Jill Martin Diaz continued to strengthen Vermont's immigration bar and legal-services network. VAAP's weekly Attorney Case Rounds bring pro bono, private, and public practitioners

together to troubleshoot anonymized cases and share emerging legal, enforcement, and practice developments, with key updates also circulated through VAAP's newsletters to an audience of over 2000 subscribers. VAAP embedded three part-time pro bono emeritus attorneys providing no-cost, direct immigration legal services to Vermonters in their catchment areas including northern, central, and southern Vermont. VAAP also expanded its Community Immigration Law-ying Pilot with Vermont Legal Aid, supporting two full-time community-based immigration attorneys to practice in regions of Vermont that have historically lacked immigration legal services access. Finally, VAAP participated in Vermont's Act 29 Office of New Americans Study Committee, advocated at the State House on immigration legislation and access to legal services, and worked with community partners and local officials to ensure accountability for unlawful ICE enforcement practices.

3. Impact Beyond Vermont

Becky von Trapp also contributed to the broader national discussion on immigration policy and was quoted by Bloomberg Law and The Washington Post regarding her analysis of the presidential administration's Gold Card immigration program.

Jill Martin Diaz and VAAP additionally welcomed Vermont's fifth Immigrant Justice Corps Fellow through a nationally competitive process and now serves as IJC's first "rural infusion" pilot site; helped launch the FY26 Vermont Immigrant Legal Defense Fund and raise over \$1M in one year to seed whole-sector sustainability; supported advocacy for Vermont's first state appropriations for immigration legal aid; piloted Vermont's first universal representation models for noncitizens in ICE detention; and developed one of the country's earliest Immigration Habeas direct services practice models to scale, including successful cases in the Districts of Vermont and Massachusetts.

The Section looks forward to continuing to provide educational programming, timely updates, and opportunities for Vermont attorneys to remain informed and engaged as immigration law continues to evolve.

Labor and Employment Law Section

Chair: Stephen Ellis 2025-2026
Incoming Chair: Colette Schmidt

On July 1, 2025, the Vermont legislature made innovative changes to state employment law. Could these changes be shaped by state trends, or were they in response to a turbulent political climate? During the 2025 VBA Annual Meeting, Section chair Stephen Ellis of Paul Frank + Collins, Emily Chamberlain Adams, Co-Director, Civil Rights Unit of the Vermont Attorney General's Office, Jeremy Grant of DRM, and Ra-

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ven Rae, Senior Vice President of Legal Affairs and General Counsel at World Learning explored these questions in an enthralling panel moderated by Colette Schmidt of Paul Frank + Collins.

This CLE not only provided legal professionals with a comprehensive overview of recent legislative changes affecting employers and employees across Vermont, including parental and family leave, pay transparency, and more, but also explored the broader political dynamics potentially influencing these changes and examined how these new state laws intersect with federal employment laws, judicial trends, and grass-

roots advocacy.

The Labor and Employment Law Section brings together attorneys who practice where people and the law intersect, offering education, networking, and a chance to collaborate with attorneys who understand the exciting nuances of employment law in these dynamic times. Whether you've been practicing labor and employment law for decades, are just getting started, or are simply interested in the issues shaping today's workplaces, we welcome you to join us, connect with colleagues, and be part of the conversation.

Landlord/Tenant Law Section

Co-Chairs:

Renee Staudinger Calabro & Matthew Shagam

The Landlord/Tenant Law Section completed its third year, with co-chair Renee Staudinger Calabro remaining as "landlord's" chair and co-chair Matthew Shagam as "tenant's" chair. The Section followed the Legislature's numerous bills concerning changes to the Residential Rental Agreements Act and Ejectment actions. In February, at a Vermont Bar Foundation CLE on the State of Housing in Vermont panel, Renee acted as moderator for four knowledgeable and experienced housing advocates (Miro Weinberger, Tim Sampson, Deanna Hartog, and Jack McCullough). Likewise, Matt will be one of the featured speakers at CVOEO's "Know Your Rights" conference on a panel on tenant rights and advocacy. The Section has been communicating internally about the challenges facing Vermont landlords and tenants alike. We hope to continue to grow, provide guidance for our members, and have an even more active year in 2027.

Law Office Study Section

Co-Chairs: Kira Bottig & Victoria Richardson

In May 2026, the VBA established the Law Office Study ("LOS") Section. Its founding co-chairs are LOS graduate Kira Bottig, Esq. and LOS student Victoria Richardson.

The LOS Section is offering its first CLE, a diverse discussion panel regarding the program, at the VBA Annual Meeting on Sept. 25th. In the coming year, the Section aims to plan additional educational programming, submit a Bar Journal article, and facilitate meetings and discussions to support students, graduates, and mentors.

Virtual LOS Section meetings began in June and shall continue monthly. All current, former, and prospective students and mentors are welcome to attend the Section meetings, participate in discussions on VBA Connect, and propose ideas for how the Section can support mentors and students moving forward.

Paralegal Section

Chair: Carie Tarte, ARM, AIC, RP®

The Paralegal Section continues to work with the VBA Access to Justice Committee, along with the Vermont Judiciary's Commission on the Delivery of Legal Services to advance a proposed pilot program for Licensed Legal Practitioners in Vermont. Information regarding the Vermont Licensed Legal Practitioners pilot program will be included in the Judiciary Commission's report on the Delivery of Legal Services, which is slated to be released this fall.

Probate and Trust Law Section

Chair: Mark Langan

Statutes: The Probate and Trust Law Section was active in the passage of a Statutory Tenants-by-the-Entirety Trust:

Statutory Tenants-by-the-Entirety Trust:

14A VSA § 505 (c): Tenants by the entirety is recognized as a form of ownership in 25 U.S. states and the District of Columbia. In Vermont, when property is owned by spouses, the law presumes that they hold the property as tenants by the entirety over other forms of ownership. The presumption is rebuttable.

Under tenants by the entirety, each spouse is deemed to own an undivided whole (as opposed to an undivided half as with joint tenants with rights of survivorship). Since each spouse owns an undivided whole, the creditor of one spouse cannot attach the property because the other spouse owns the undivided whole. Thus, there is a creditor protection feature with tenants-by-the-entirety.

Estate planners who are concerned with creditor protection for their clients find an advantage in their married clients holding property as tenants by the entirety. Nonetheless, this is not optimal for avoiding probate. If one spouse dies, the surviving spouse owns the whole and if nothing is done to change the title, then the asset will be subject to probate administration.

The Statutory Tenants by the Entirety Trust solves that problem. It allows estate planners to transfer property held as tenants by the entirety to a joint trust or separate trusts and maintain the creditor protection feature in 14A V.S.A. § 501 (c). The survivorship feature ceases but the creditor protection feature remains. The property is still subject to the claims of secured creditors. When funding the trust, the property must be held as tenants by the entirety by the grantee(s).

On the agenda is to update the Uniform Disclaimer of Property Interests Act and create Perpetual Purpose Trusts in the Vermont Trust Code.

Probate Rules: Members of the Probate and Trust Law Section (Danielle Fogarty, Michael Gwane, Matthew Getty, Amy Menard, C. Justin Sheng, and Livia DeMarchis) were active in passage of various Rules of Probate:

An amendment to **Rule 3(a)** and **3(b)(3)** provides for alternatives to notice to all interested persons outlined in paragraphs (b) (2) and (3). Rule 3(b)(3) is amended to make it consistent with 14 V.S.A. § 107, which enables the court to allow a petition to allow a Will if all the heirs at law and the surviving spouse consent. Consent is not required of all other interested persons.

An amendment to **Rule 47(e)** updates the language regarding production of

transcripts for a probate proceeding. The amended language conforms to parallel provisions in V.R.C.P. 72(c) and V.R.A.P. 10(b)(2).

Public Utility Practitioner Section

Co-Chairs:

Joslyn Wilschek & Jennille Smith

During the past year, the Section continued its efforts to provide a forum for Vermont utility practitioners to share knowledge, discuss regulatory developments, and promote professional development.

In June 2026, the Section hosted its second annual CLE program, *Navigating Utility Law in Vermont (2026): Agency Operations, Guidance Updates & Legislative Changes*. The program featured panelists from the Agency of Natural Resources, the Agency of Agriculture, Food & Markets, and the Division for Historic Preservation, who discussed their respective agencies' operations, permitting processes, and practical guidance for practitioners. The program also included updates on recent Public Utility Commission guidance memoranda and a summary of significant legislative developments affecting utility practice.

Looking ahead, the Section plans to continue offering educational programming and fostering collaboration among practitioners as Vermont's utility and energy landscape continues to evolve.

Real Property Section

Co-Chairs: Benj Deppman & Jim Knapp

Education - Co-chairs Benj Deppman and Jim Knapp were active in organizing several seminars during the year. The Section presented a novel four-part program on basic title searching skills that was very well attended. The Section also hosted presenters from the Vermont Department of Taxes providing an update on current topics of interest to real estate practitioners.

Legislation - The Section reacted to the recent Supreme Court decision in *Kirshon v. Abodeely*, 2026 VT 2 (2026) by proposing a revision to 27 VSA Sec. 2, to address the Court's interpretation of that statutory section. Co-chair Jim Knapp along with others testified at legislative hearings and provided information that resulted in the adoption of the proposed revisions. Almost 100 members of the Section contributed significantly to the effort by taking a few minutes to respond to a survey on Connect showing support for the proposed revision.

Other - The VBA Connect Real Estate Section continues to be a vibrant and active community, providing answers to questions posed by practitioners of all levels of experience. Thank you to all the Section members who take the time to answer questions for our colleagues seeking new solutions for

clients or confirmation that their own ideas are good.

The Women's Division

Chair: Caryn Connolly

The Women's Division Executive Board includes Breanna Weaver, Vice Chair, Angelina Debeaupuis, Secretary, and Claudia Gwilliam, Treasurer.

Caryn Connolly presented two CLEs related to foreclosures in the past year. On Oct. 14, 2025, she presented "How a Death Can Derail a Foreclosure—Opening Probate Estates," and on Nov. 12, 2025, she presented "Common (& Strange) Title Issues That Arise in Foreclosures (Probate Overlap!)."

The Women's Division also presented its first CLE on April 22, 2026, titled "Mortgage Loss Mitigation Options—Creditor and Debtor Perspectives," with Caryn Connolly speaking from the creditor perspective and Nancy Geise representing the debtor perspective.

The Women's Division held its first meeting on March 19, 2025 to begin discussions on elections and the interests of the membership and now holds monthly meetings open to the membership.

On Aug. 20, 2026, the Women's Division co-sponsored a gelato event for the incoming 1Ls at Vermont Law and Graduate School along with the Young Lawyers Division in Montpelier outside the Supreme Court. By all accounts, it was a success.

If you are interested in presenting a CLE, organizing an event, or writing an article for the Bar Journal, you can reach out to any member of the executive board and plan to attend a future meeting. Meetings are currently scheduled for the 4th Thursday of each month at 3 p.m. We are planning another Women in the Judiciary Panel and are experimenting with small meetups to have dinner and/or socialize after work with other members of the Women's Division throughout the state. You can also find the Women's Division on VBA Connect. Questions are welcome.

Young Lawyers Division

Chair: Kathy Zhou

The Young Lawyers Division kicked off 2026 in our customary style with our annual Mid-Winter Thaw in Montreal. We had a change of scenery this year, as we moved from the Omni to Le Westin. Presenters covered a spectrum of topics, including ethics, legal argument strategies, estate planning and business succession, mediation, wire fraud, and equity.

Following our elections at the YLD's Annual Meeting in March, we welcomed Kristen Connors to the YLD Board. The YLD has stayed busy throughout the summer. We once again sponsored a relay team for

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Vermont Lawyers Assistance Program

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the Burlington Marathon in May. In July, we hosted a get-together at the South End Get Down. We were once again fortunate to have the opportunity to welcome the incoming Vermont Law and Graduate School 1L students with gelato and cake baked by the wonderful Teri Corsones on the steps of the Supreme Court. We were joined by Justice Drescher, Supreme Court staff and clerks, VBA staff, and members of the Women's Division. In September, we co-hosted our annual Fall Mixer with the Chittenden County Bar Association at Foam, where we were able to both meet new faces and reconnect with old friends. Finally, the YLD will conclude its main programming for the year with the Third Annual Race Judicata—we're going on the road and will be at Vermont Law and Graduate School on October 3, 2026.

The YLD has also hosted a number of Dinners with Judges across the state. Many

thanks to Judge Cooper, Judge Battles, Judge Schoonover, and Judge Spero for taking the time to break bread with our young attorneys. More dinners are in the works, so please keep an eye on your emails.

It has been an incredibly busy and successful year thus far for the YLD, as we continue to promote attorney wellness and connectedness, and to support young lawyers in our state. I offer my gratitude to my fellow YLD Board members—Ryan Long, Zach Dayno, Colette Schmidt, Alex Hunter, Alex Cyr, Angéline Debeaupuis, and Kristen Connors. Planning is currently underway for our 2027 Thaw, returning to Le Westin on January 15-16, 2027. Please mark your calendars and we look forward to seeing you there! 🍷

WHAT'S NEW

CLE Honor Roll

Thanks to all those who taught continuing legal education programs for the VBA in 2025-2026. 🌱

2025-2026 Speakers

Samuel Abel-Palmer
Emily Chamberlain Adams
Samara Anderson
Mary Ashcroft
Hon. Kimberly Bacher
Shannon Bader
Brian Bailey
Will Baker
Amber Barber
Matthew Bernstein
Leslie Black
Eileen Blackwood
Paul Brodowski
Catherine Burke
Michael Caccavo
Chris Campany
Zachary Carr
Hon. Peter Cary
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WHAT'S NEW

Notary Public Continuing Education Courses Set for Fall

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Vermont notary commissions will expire at the end of January 2027. The Office of Professional Regulation of the Secretary of State's Office has mandated that for non-attorney notaries who are not otherwise exempt, a minimum of one hour of relevant continuing education must be completed and documented prior to re-commissioning.

If you are unsure whether you are required to complete the continuing education requirement, please contact the Secretary of State's Office.

Jim Knapp, our VBA Real Property Section co-chair, has once again developed a 1.25-hour training course to meet the requirement. It will be offered live via Zoom webinar on three occasions: Oct. 8 from 1 PM to 2:15 PM, Oct. 21 from 1 PM to 2:15 PM, and Nov. 12 from 11:30 to 12:45. The class will include the same content on each occasion. It is offered for \$45, which is the rate our members pay for an hour of CLE (it

will carry 1.25 CLE credits for any attorney who takes the class). We've set the class for 1.25 hours because there are usually a lot of questions and Jim wants time to address those. Registration is open now on the CLE calendar on the VBA website.

Jim is also developing a program for notaries who are renewing their special endorsement for electronic records and remote online notarization (RON). The rules say that an *additional* hour of CE is required for this group. This training will be offered via Zoom on Oct. 30 from 1 to 2:15. This is a new requirement and so a first-time offering.

We will record both programs and make them available in our digital library ASAP after we complete the live Zoom presentations.

The programs are designed to meet the continuing education requirements. The OPR has confirmed that the programs will meet the CE requirement, whether taken

live or viewed later online.

Attorneys are required to keep their notary commissions current but **are not** required to meet the CE requirement. Therefore, this training is optional for attorneys. If you are an attorney and decide to take the training, however, it will, as noted, count for 1.25 CLE credits. It is also approved and certified to qualify for Rule 12(a)(1) & Rule 15(c) of the Vermont Rules of Admission for new Vermont lawyers.

OPR is requiring notaries to maintain records of their CE certificates of completion. If you are already a VBA member, upon completion of the program, a certificate will be available in your VBA website account portal. If you are not a VBA member, a certificate will be emailed to you within three days of your completion of the course. See the VBA website for more information.

Questions? Contact info@vtbar.org. 



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WHAT'S NEW

Let's Connect and Talk About It- VBA Expands Collective Care Group Pilot- New Groups Launching in October

Last fall, I launched the Vermont Solo Practitioner & Small Firm Collective Care Group in partnership with the VBA. The original group aimed to meet two related, but distinct goals: to provide connection and community for attorneys who work in solo or small firms, and to create a space where attorneys can explore trauma-responsive lawyering and learn about collective care practices. At the conclusion of this pilot, we surveyed group members and learned not only was this pilot a success, but you want more!

This year, we are thrilled to announce that the collective care groups will be continuing with one big twist - now **there will be two!** We are also expanding from the original quarterly meetings to monthly meetings and increasing the length of the sessions from one hour to 90 minutes. Group one will remain a connection space for small-office and solo practitioners. Group two is open to attorneys in any workplace of any size and will focus on trauma-responsive lawyering.

Both groups will be 'closed' groups - meaning that the same people will attend each month. Group members do not have to commit to attending every single meeting (we know work and life will get in the way) but we hope to have 'most of the people, most of the time'. This will allow us to build a sense of community and psychological safety within the group. **Participation is a VBA member benefit available with no additional charge.** More details about the groups are below:

1. Solo and Small Office Connection Group

This group is designed to provide connection and community for solo practitioners and attorneys working in small firms or offices (including government attorneys). Our purpose is to create a peer support environment to combat isolation and workplace loneliness. The group will meet monthly. We will discuss topics such as sustainable wellness, common challenges in law practice, and explore innovative ways to create community even if you are not a member of a traditional workplace 'team'.

I will be facilitating the group. It's important to note that it will not provide therapeutic support or case supervision. It is not for CLE credit. All the attorney ethical rules about maintaining client confidences will be observed. Agendas will be co-created by

group members and the facilitator. As noted, this will be a closed group (as opposed to drop-in) and **limited to the first 15 registrants**, in order to create the conditions for authentic and sustainable community building.

The first meeting of this group will be Monday, **Oct. 19 from noon to 1:30 PM via Zoom**. We will plan to hold subsequent meetings on the third Monday of each month for the following five months, subject to adjustment. To register, or if you have questions, please email VBA Programs Director Laura Welcome at lwelcome@vtbar.org.

2. Trauma Responsive Lawyering Group

Legal work, quite often, is trauma work. It can leave a lasting toll on the professional. Self-care alone cannot address this, and emerging best practices suggest that a collective or group approach is more effective at protecting against future exposure and metabolizing existing impact. Attorneys engaging in human or civil rights law, criminal law, housing law, immigration law, family law, abuse prevention, and other areas of practice in the bar are all frequently exposed to trauma and suffering in the course of their daily work. If your legal practice exposes you to the suffering of others, this might be for you!

This group will also meet monthly. It is designed to provide education and connection related to the impact of trauma work on attorneys. Agendas will be co-created by group members and the facilitator; and will include topics like working with dysregulated clients, managing moral injury, and trying out collective care practices that work! I will also be facilitating this group. Again, this group will not provide therapeutic support or case supervision, it is not for CLE credit, and the attorney ethics rules on client confidentiality will be observed. This group will also be a closed group (as opposed to drop in) and limited to the first 15 registrants to create the conditions for authentic and sustainable community building.

The first meeting of this group will be on **Monday, Oct. 26 from noon to 1:30 via Zoom**. Please send your contact information to VBA Programs Director Laura Welcome at Lwelcome@vtbar.org to receive a Zoom link. We will plan to hold subsequent meetings on the fourth Monday of each month, subject to potential adjustments for holidays and group preferences.

About Me: I am a licensed clinical worker, full-time faculty member at the University of Vermont, and Policy Fellow at the Center for the Helping Professions. My primary focus area (both research and practice) is using collective care practices with individuals and systems who experience chronic workplace stress and trauma. To this end, I provide training, coaching, and consultation to professionals of all types, including mental health and medical providers, conservation staff, social workers, educators, librarians, government professionals and, importantly, legal professionals. I have had an opportunity now to teach at several VBA meetings on various topics relating to coping with the demands of lawyering and had an opportunity to meet many of you. Hello! I always enjoy these encounters. They have often included requests for more information and sources of support, especially from attorneys who are working alone, with a very small group, or in roles that expose them to moral injury.

Before turning to workforce development, I began my social work career as a child welfare worker for the State of Vermont's Department for Children and Families (DCF) Family Services Division. I also had the benefit of gaining experience in a variety of social work settings including work in schools, housing, crisis response, and residential sites. After spending many years in direct service roles, I pivoted to supporting social workers in addressing the impact *their work has on them*. And as noted, I now provide training, coaching, and consultation to individuals and organizations in many sectors and run groups like this with attorneys, paralegals, legal support staff, teachers, municipal staff, civil servants, librarians, health care staff (RNs, Doctors and site administrators) and of course with mental health practitioners and social workers! The response has been unanimously positive and I'm looking forward to meeting you all and learning about your work!

You might want to listen to my podcast moral injury with immigration attorney Anna Rodgers on a recent episode of The Social Work Lens here: <https://vermontcwtp.org/podcast/>

Registration Information:

Interested? Questions? Don't hesitate to reach out to VBA programs coordinator Laura Welcome at Lwelcome@vtbar.org. 📧

WHAT'S NEW

A Life of Service: Remembering Ted Tyler

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In the long history of the Vermont Bar Association, founded in 1878, few members have devoted themselves to the organization as fully as Edward J. "Ted" Tyler III, who died August 30, 2026. (You can find his



obituary is in the In Memoriam section of this issue).

For more than four decades, Ted served as secretary of the VBA Board of Managers, from 1982 through 2024. He was a steady voice of reason, a trusted source of institutional memory, and a person whose devotion to the Bar never wavered. His contributions were peerless and invaluable—a legacy measured not only in the length of his service, but in the consistency and care he brought to it.

Ted's influence extended well beyond the legal profession. A highly respected attorney in Franklin County, he was also a legend in his local community. With his family, he operated The Tyler Place Resort on Lake Champlain, a gathering place that has long supported the region by hosting fundraising activities and local events. His commitment to the lake itself was equally enduring. For nearly a decade, he served on the Governor's task force on the future of Lake Champlain, bringing to that work the same thoughtful stewardship he brought to the Bar.

He also served the town of Swanton for

many years as Town Meeting Moderator, a role that reflected his belief in civic participation and the importance of community institutions. In 2025, Northwestern Medical Center recognized his broad and sustained service to the northwestern Vermont region with its Board of Incorporators Community Service Award. In March of this year, at our Mid-Year Meeting in Burlington, the VBA recognized Ted's service to our legal community with a Presidents Award. Ted was not able to attend, but the award was graciously accepted on his behalf by his grandson, Lachlan Tyler, Esq., who is an attorney at Gravel and Shea.

Taken together, these commitments tell the story of an attorney who understood service not as a single professional obligation, but as a way of life. Whether working to strengthen the Vermont Bar, protect Lake Champlain, support his hometown, or help sustain the community around his family's resort, Ted Tyler showed up—with patience, judgment, and an abiding sense of responsibility. His absence will be felt across Vermont. 🏡

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BE WELL

You Aren't Winning Wellness

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Attorneys like to win. We are trained to issue-spot, build persuasive arguments, anticipate counterarguments, find weaknesses, and impress others. We are competitive. We measure ourselves against our colleagues. We notice who got the better result, the bigger case, the promotion, the appointment. Even when no one else is keeping score, we often are. So, when it comes to taking care of ourselves and prioritizing wellness, attorneys are great at turning wellness into a competition – even if the competition is only with ourselves.

Many of us use apps to keep track of our wellbeing. We have sleep scores, step counts, exercise goals, meditation streaks, and reminders to drink water. We read articles about healthy habits and share our progress with other wellness-minded people. Did we get enough sleep? Check. Exercise for at least 30 minutes? Check. Meditate? Check. Eat healthy? Check. Touch grass? Check. Drink water? Check.

Check, check, check, check.

"I am really winning this whole wellness thing," we might think. Until we look at the scoreboard and realize that, despite checking every box, we don't actually feel... well.

What happened? We did everything we were supposed to do. We checked all the boxes that day, so why isn't winning translating into feeling well? Sounds like a problem that must be solved. And who better to solve a problem than an attorney?

So, we buy self-help books. We listen to podcasts about the vagus nerve. We download another meditation app. We see a therapist. We practice yoga. We cut out certain foods. We take supplements. We schedule and take vacations. We make lists of all the things we should be doing to become healthier, happier, more balanced versions of ourselves.

Sometimes those things work beautifully, but sometimes they do not. That can be a particularly frustrating realization for people who are accustomed to being competent and conscientious. We did the work, we followed the recommendations, and we checked the boxes. Why isn't it working?

Wellness Is a Practice

You cannot win at wellness. Wellness is not a trial, a game, or a competition. There's no verdict at the end declaring that you have successfully achieved it. There is no point at which you have finally become so well-adjusted, well-rested, resilient, and

emotionally regulated that you can close the file and move on to something else.

Wellness is a practice. Not a singular event or activity. Just like law, we practice wellness.

As attorneys, we understand that practicing law is not the same as knowing everything there is to know about the law. Even after years of practice, there will always be something we have not encountered before. Some days, we know exactly what we are doing. Other days, we find ourselves in unfamiliar territory. Wellness is much the same.

Some days, we know exactly what we need. We sleep well, eat something nourishing, exercise, spend time with people we love, and feel grounded and connected. On other days, we are tired before the day has even begun. We may be lonely, frustrated, sad, angry, overwhelmed, or simply worn out. Sometimes we respond to those feelings well. Sometimes we do not. That does not mean that we have failed at wellness. It means that we are practicing it.

The Part the Wellness Checklist Cannot Tell You

There is often something missing from the conversation about wellness. Most wellness advice begins with the assumption that we already know what we need. Most of the typical recommended activities are excellent suggestions. But they are just that: suggestions. They are not instructions for living. The more important question we should be asking ourselves is, "What do I actually need to improve my overall wellbeing?"

That question is harder than it sounds, because knowing what we need requires self-awareness. It requires us to pay attention to what is happening internally instead of immediately moving to the question of what we should do about it. It requires us to recognize the difference between being tired and being lonely, between being overwhelmed and being bored, between needing rest and needing connection, between needing to push through something difficult and needing to stop.

It also requires us to be honest with ourselves. Sometimes what we need is not particularly convenient. Maybe we need to admit that a situation is making us unhappy. Maybe we need to ask for help. Maybe we need to establish a boundary that someone else will not like. Maybe we need

to acknowledge that we have been pretending to be fine when we are not. Maybe we need to make a change that we have been avoiding. A wellness checklist cannot make those decisions for us.

That is why self-awareness is one of the most important, and most overlooked, parts of wellness. Before we can determine what our wellness practice should look like, we have to know ourselves well enough to listen to what we are telling ourselves.

There is No One-Size Fits All

There is no exact formula for practicing wellness because there is no exact formula for being a person. We are all unique individuals with unique needs. What restores one person may exhaust another. One attorney may need more solitude after a difficult day; another may need to call a friend. One person may find meditation calming, while someone else finds that sitting quietly with their thoughts is the last thing in the world they want to do. One lawyer may need to become more disciplined about leaving the office, while another may need to become more comfortable taking on less.

Even our professional lives can create different wellness needs. A lawyer who spends the day in court may need something very different from a lawyer who spends the day alone at a desk. There cannot be one universal prescription for all of us. The goal is not to copy someone else's wellness practice. It is to develop your own, and that requires cultivating self-awareness as a daily practice.

The Reality of Practicing Law

The practice of law itself can make wellness complicated. There are objectively difficult days in this profession. The client does not want to take our advice. The judge does not buy our argument. Our staff makes a mistake that we did not catch. Opposing counsel threatens to report you to Mike Kennedy for not saying "please" in an email. You have been preparing for a hearing for weeks and it gets continued. A case that should have taken an hour takes all day. And, to top it all off, you spill coffee on your white shirt and you don't have a replacement with you.

On days like that, we should expect to feel exhausted. Even if we drank eight glasses of water during the day, meditat-

ed, and connected with a friend, it would be strange if we did not feel exhausted. We should not necessarily interpret that exhaustion as evidence that our wellness practice is failing. This matters because, as lawyers, we are trained to solve problems. When we feel badly, our instinct can be to immediately start looking for the solution. Sometimes there is something that needs to be tweaked, but often the answer is simply that something was difficult. It is okay to have a hard day.

The Particular Weight Lawyers Carry

There are also aspects of practicing law that do not fit neatly into a general wellness checklist. Lawyers are entrusted with other people's problems and secrets. Depending on our area of practice, we may hear about trauma, abuse, addiction, family conflict, financial distress, criminal conduct, illness, loss, homelessness, or other deeply personal circumstances. Our professional obligations require us to protect our clients' confidential information, but that can also create a particular kind of emotional burden.

We may be able to consult appropriately with another attorney or seek professional support, and we should do so when we need it. But there are still times when we leave work carrying the emotional weight of something that we cannot fully explain to our partner, our friend, or child sitting next to us at dinner.

We should not be surprised when some of that work stays with us after we leave the courthouse or close the laptop. Being affected by difficult work does not mean that we are not resilient enough to do it. It means we are human beings doing difficult work.

Practicing Wellness Requires Attention

Practicing wellness is not about achieving a perfect balance between work and life. It is not about eliminating every uncomfortable emotion. It is not about becoming endlessly productive without becoming exhausted. It is not about becoming resilient that nothing affects us. And it is certainly not about winning.

Instead, wellness requires discernment, self-awareness, and dedicated practice. We have to know ourselves, we have to be willing to pay attention, and we have to be diligent in our practice. We can treat ourselves as the client and listen to ourselves like we would a client. What am I feeling? What do I need? What is making this harder? What am I avoiding? What helps me feel alive? What am I tolerating that I should not be? What am I doing because it is genuinely good for me, and what am I doing because I think I am supposed to?

Those questions cannot be answered by an app. They also cannot be answered by someone else. Ultimately, developing a wellness practice requires us to become students of ourselves. We have to notice what fills us up, what depletes us, what makes us feel connected, what makes us feel grounded, and what restores us after a difficult day.

My Wellness Practice

I have spent decades learning to take care of myself, and I recently had to confront the uncomfortable reality that taking excellent care of yourself does not exempt you from being a human being. I can do many things correctly and still have difficult days. I can make healthy choices and still feel sad. I can be self-aware and still become overwhelmed or overstimulated. I can have good boundaries and still encounter situations that hurt. I know generally what works for me, but I still have days when I am not entirely sure what I need.

This realization has changed how I think about wellness. I no longer think of it as something I am either winning or failing at. I think of it as a practice that requires me to pay close attention to myself and to give myself grace. I've also learned to be curious about trying new techniques, tricks, or modalities.

Some of the things that have become important parts of my own wellness practice are things I never would have predicted. In fact, some are things I initially dismissed entirely.

For most of my life, I was decidedly anti-acupuncture. It was not something I was remotely interested in doing, but then I tried it. I had a phenomenally cathartic experience. The same has been true of gong and sound baths. I never would have guessed that sitting quietly in a room listening to the vibrations of a gong could have such a profoundly restorative effect on me. Yet it has become one of the practices I engage in that gives me enormous benefit.

Sometimes, the wellness practice I need is remarkably ordinary. A hot bath with Epsom salts at home can do more for me than an expensive treatment at a fancy spa. Sometimes I need solitude. Sometimes I need another person. Sometimes I need to accomplish something. Other times I need to do absolutely nothing productive.

I'm not telling everyone to go to acupuncture, take a bath, or attend a gong session. The point is that I could not have known what would work for me without being willing to find out. That, to me, is the practice. One of the most important parts of wellness is recognizing that we are still learning ourselves. What worked five years ago may not work today. What helps in one season of life may not work in another.

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There is only practice.

Wellness is not something we win. It is something we learn to practice – by knowing ourselves, listening to ourselves, remaining curious about what we need, and having the courage to respond honestly when we find out.

Some days, we will be very good at it. Some days, we will have no idea what we are doing. But either way, we are still practicing.

Kelly Poupore, Esq. is the co-chair of the VBA Attorney Wellness Section. She is an Assistant Attorney General with the Vermont Attorney General's Office, where she represents the Department for Children and Families in family and juvenile matters. Before joining the Attorney General's Office, she served as an Attorney Investigator with the Vermont Human Rights Commission and as a prosecutor in Franklin County, Vermont. Previously, she practiced in New York as a prosecutor and as an attorney for the Department of Social Services. Kelly is a graduate of the University of Notre Dame and Seton Hall University School of Law, and lives in Berlin with her dog, Hank.

Address to Vermont High School Students on the Occasion of the 250th Anniversary of the Declaration of Independence*

Editor's note: The Vermont legal community was shocked and saddened to learn on Thursday, July 2, 2026, that the Hon. H. Dickson Corbett had died suddenly. (You can read his obituary in the In Memoriam section of this issue of the Bar Journal). His contributions to our legal community, including the VBA where he was a highly valued and active member, and to our state were exceptional, especially for one so young.

At the time of his death, Judge Corbett was the judge of the Windsor Family Division. On May 18, 2026, as part of the tri-branch celebrations of the 250th Anniversary of the Declaration of Independence, he presided over a mock trial of Woodstock High School Students at the courthouse in Woodstock. Part of the program included his talk to the students about the significance of the Declaration in history and today.

The speech is remarkable for its eloquence, its erudition, and its wisdom. The Judiciary shared it on its web page devoted to the 250th anniversary and we thank his wife, Megan Campbell, Esq., for her permission to share it again here.

If we had been gathered together 250 years ago we would have assumed that some people are born different. We would have taken for granted that some people are born kings, that some people are born princesses and queens, that some people are born as dukes and earls and counts. We would not have questioned whether these people had the right to rule over us as monarchs, and we would not have questioned that their children would rule over us too. We would have ordered ourselves in society by our proximity to these people, and by whether they favored us. If they did, they might have made us their governors, they might have made us their tax collectors, they might have bestowed upon us some means of becoming gentlemen and ladies. And if they did not favor us, they might have prosecuted us, they might have made us their indentured servants, they might have enslaved us.

Something about the American colonial experience made us question this assumption. At least in part it was being taxed without representation in the British parliament. At least in part it was being restricted by the king in the ways we communicat-

ed with each other. At least in part it was that the king would not let us pass our own laws unless the king personally approved of them. At least in part it was that the colonists in Massachusetts tried to abolish the slave trade in 1771 and 1774 and the king wouldn't let them. At least in part it was that the king abolished our colonial legislatures when we disagreed with him and when we protested against the writs of assistance, which allowed customs officers to search our homes and buildings for smuggled goods and even compel assistance from bystanders to force entries. At least in part it was that when British loyalists committed crimes, they were set free, but when we were accused of crimes, our cases were heard by a biased judge who served at the will of the king, and whose employment and salary depended upon remaining in the king's good graces. At least in part it was that, even worse, we would be returned by ship to Britain to have our punishments decided by British courts, far away from our families and friends. At least in part it was that, when we protested against these intolerable acts and conditions, the king sent soldiers into our cities for the ostensible reason of keeping the peace but really for the purpose of suppressing us and protecting the loyalists and the customs officers. At least in part it was because, on the afternoon of March 5, 1770, British soldiers opened fire on protestors in Boston and killed five of us and wounded six. At least in part it was because, in ensuing clashes, the British armies killed 49 of us at Lexington and Concord, and another 140 of us at the Battle of Bunker Hill, and that they burned down our towns in Charleston and Falmouth and Norfolk.

It was all of these things, at least in part, that contributed to the revolution, but what made the Americans commit treason (in the eyes in the king) and declare their independence was a deeper moral commitment to a new idea, a new truth that we now hold to be self-evident: that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness, and that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

In other words, the American promise is



that we are all born equal, that all political and governmental power comes not downward from kings and queens but rather upward from us, and that the role of our government is not to govern over us but rather to govern for us.

Every American generation has had to ask itself what this promise means to them. For the founding generation, the promise of the declaration led them upon a project to create a more perfect union, first in the Articles of Confederation and then in the Constitution, in which they sought to give expression to their ideals of equality and to the idea that government comes from we the people. Instead of the tyrannical accumulation of powers in the hands of one monarch, they separated the responsibilities of government into three separate and coordinate branches. Instead of having provincial governors appointed by the king, they gave us elections, and the right to vote, and the right to decide for ourselves who from among us should serve as our representatives and as our president. And in order to preserve our individual and unalienable rights, they provided for our freedom of speech, our right to read what we want, our right to petition our government for redress of grievances, our right to the free exercise of the religion of our choice and our right to be free from the establishment of any state-sanctioned church, our right to bear arms, our right not to have soldiers quartered in our homes, our right to be free from unreasonable searches and seizures, our rights to

due process and to speedy and public jury trials, and our right to be confronted in criminal trials with the witnesses against us, our right to be free from cruel and unusual punishments, and our right to retain all the power that we have not chosen to bestow upon our government. For our founding generation, therefore, the Declaration of Independence was the moral promise that gave rise to the American Constitution and the Bill of Rights.

Yet the America the founders created did not necessarily live up to the declaration's promise. Frederick Douglass asked what it meant to a slave to say that all men are created equal, and he pointed out the hypocrisy of men like Jefferson who extolled the idea of birth equality for some while also enslaving others, including his own sons and daughters whom he fathered with Sally Hemings. Men like Washington who performed valiant acts of public service but who made their fortunes with the coerced and enslaved labor of others. Men like Calhoun who openly claimed that they would never relinquish the institution of slavery and that the declaration should be understood as protecting only white men. But the hypocritical failures of these men did not lead Frederick Douglass to suggest that we should walk away from the promise of the declaration but rather that we continue walking towards it: that we see the promise of birth equality as meaning something to all men, both free and enslaved, and that we read the declaration as something aspirational, and as a promise demanding abolition. Frederick Douglass's vision of the declaration was realized a little more than a decade later in the Emancipation Proclamation.

Abraham Lincoln referenced the declaration many times during his political career, including during a speech he gave while dedicating a battlefield cemetery in Gettysburg four score and seven years after 1776. He centered the declaration's promise as the moral guiding light of the American nation. In that declaration, he explained, the founders brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. He went on from there to reenvision this statement as an anti-slavery promise not only in the sense that there could be "no moral right in connection with one man's making a slave of another," but also in the sense that Black men should be entitled to the equal protection of the American government and to the privileges and immunities of citizenship, and that the right to vote should not be denied to any man on account of their race, color, or previous condition of servitude. Abraham Lincoln's vision of the declaration gave rise within the decade to the 13th, 14th, and 15th Amendments to the Constitution, and in this way,

the moral promise of the declaration—that all men are created equal—led us directly towards a more perfect union.

Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony asked why the declaration should not mean that all men and women are created equal, and whether women as well as men were guaranteed the rights to life, liberty, and the pursuit of happiness. They asked whether the promise of equality could be fulfilled without providing to women the right to vote, the right to attend college and pursue higher education, the right to own property, and the right to practice the profession of their choice. If political and governmental power comes from the people, they asked, shouldn't it come from all people, both men and women alike? Their vision of the declaration's promise of birth equality gave rise to the protection of women's suffrage in the 19th Amendment to the Constitution.

Dr. Martin Luther King, Jr. spoke from the steps of the Lincoln Monument in 1963 during a time of systematic segregation, voter suppression, economic discrimination, and racial violence. He described the declaration as a moral covenant whose promises remained unfulfilled, and he called upon us to see the obvious truth that America had failed insofar as her citizens of color were concerned, and that instead of honoring its sacred obligation, American had given its people an empty promise, a bad check, a check which had come back marked insufficient funds. But like Frederick Douglass before him, he did not suggest that we as a nation walk away from the promise of the declaration, or that we walk away from the promise of equality. He refused to believe, as he put it, that the bank of justice was bankrupt. He instead called upon Ameri-

cans to see equality not only as desegregation but as equal access to education, voting, employment, housing, and public life. He asked Americans to envision our children holding hands with each other and judging each other not by the color of our skin but by the content of our character. Dr. King's work led in part to the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Generations before you have asked what it means to say that all men are created equal. Does it mean something legal? Does it mean something moral? Does it tell us something about our shared humanity? It is a question that so far has produced no definitive answer, but it has given us the Constitution, the Bill of Rights, the Emancipation Proclamation, the 13th, 14th, 15th, and 19th Amendments to the United States Constitution, the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

It will soon be your turn to ask what this promise means to you.

What will it mean for your generation to say that all men are created equal?

Who will be included within your promise?

What will be your measure of equality?

How will you think society should address inequalities rooted in race, gender, wealth, sexuality, disability, or immigration status? What else will you see in our country today that looks like inequality or injustice? In what ways might you see the promise of the Declaration of Independence still unfulfilled? In what ways will you think that our union can become more perfect?

I look forward to seeing how you and your generation might answer these questions.

** Note, the title used here is an editorial addition.* 🗳️



Ahead of Its Time: Justice Johnson, *Lavalley*, and the Evolution of Pregnancy Accommodation Law

The Honorable Denise R. Johnson (Retired)¹ is widely recognized for her public service and advocacy for equal access to justice.² She is also well known for her eloquent partial dissent in *Baker v. State of Vermont*.³ Less attention has been paid to the long-term influence of her partial dissent in *Lavalley v. E.B. & A.C. Whiting Co.*⁴—a striking example of an opinion that anticipated important developments in employment discrimination law.

In 1997, the Vermont Supreme Court decided *Lavalley*, a pregnancy discrimination case arising under Vermont's Fair Employment Practices Act (FEPA)⁵. At first glance, the decision appears to be a straightforward employer victory. The Court held that an employer did not violate FEPA when it denied a pregnant employee a light-duty assignment or help with heavy lifting and instead placed her on disability leave at reduced pay because her pregnancy-related limitations were "non-work-related".

Viewed from the perspective of modern employment law, however, *Lavalley* is more significant than its outcome suggests. The majority opinion held that pregnancy discrimination constitutes sex discrimination under Vermont law but rejected the proposition that equal employment opportunity may require accommodations for pregnancy-related limitations.

Justice Johnson's partial dissent took a different view. Writing twenty years before the Vermont Legislature amended FEPA to require accommodations for pregnancy-related conditions,⁶ and nearly twenty-five years before Congress enacted the Pregnant Workers Fairness Act (PWFA),⁷ she articulated a vision of workplace equality that emphasized individualized assessment, access to accommodations, and skepticism toward forced leave practices.

In hindsight, *Lavalley* captures a transitional moment in employment discrimination law. The majority reflected where the law stood in 1997. Justice Johnson anticipated where it was headed.

The Facts of *Lavalley*

Carrie Lavalley worked on a production line for E.B. & A.C. Whiting Company. Her position required prolonged standing and heavy lifting. After becoming pregnant, she provided her employer with a physician's note restricting those activities and requested either temporary light-duty work or assistance with lifting. The employer de-

nied the request.

Under company policy, employees who suffered work-related injuries could be assigned to alternative duties and continue working at full pay. Employees with long-term non-work-related disabilities, however, were placed on disability leave at reduced compensation. Because Lavalley's pregnancy-related limitations were classified as non-work-related, she was placed on disability leave and received approximately half her regular earnings. After giving birth and a brief maternity leave, she returned to her former position.⁸ Lavalley sued under FEPA, alleging that the employer engaged in sex discrimination because it treated her differently and worse because of her pregnancy.

The Majority's Progressive Move: Rejecting *Gilbert*

The majority opinion nevertheless recognized that pregnancy discrimination is a form of sex discrimination. The employer argued that Vermont should follow *General Electric Co. v. Gilbert*,⁹ the 1976 U.S. Supreme Court decision holding that pregnancy discrimination was not necessarily sex discrimination under Title VII¹⁰. Because the Vermont Supreme Court had held that FEPA was "patterned on Title VII"¹¹, and because Vermont had never amended FEPA to add "pregnancy" to the list of protected classes, the employer contended that *Gilbert* remained the proper interpretation of Vermont law.

The Vermont Supreme Court rejected that argument and emphasized that Vermont courts are not bound by federal interpretations of Title VII. Although federal decisions may provide guidance, they do not control. The Court further noted that Congress had repudiated *Gilbert* in 1978 by passing the Pregnancy Discrimination Act.¹² It was also noted that courts across the country had already rejected the *Gilbert* decision and concluded that pregnancy discrimination is inherently a form of sex discrimination. Adopting the reasoning developed by other state supreme courts, the Court concluded that pregnancy is a condition unique to women and that classifications based on pregnancy are therefore classifications based on sex.

For a state supreme court in 1997, this was a notably independent and progressive position. Rather than treating federal law as the ceiling of civil-rights protection, the

Court treated Vermont law as capable of independent development. One of the enduring aspects of *Lavalley* is its affirmation that Vermont courts need not mechanically follow restrictive federal precedent when interpreting Vermont's civil-rights statutes.

Where the Majority Stalled

Having recognized that pregnancy discrimination is sex discrimination, however, the majority drew a sharp boundary. The Court focused on the structure of the employer's policy rather than its practical effect. Because all employees with non-work-related disabilities were denied accommodations and placed on disability leave, the Court concluded that pregnant workers were being treated the same as everyone else in that category.

The majority viewed the case through the lens of formal equality. The rule appeared neutral, and the employer asserted that it applied equally to all employees with non-work-related disabilities. Consequently, the majority concluded that there was no discrimination. This reasoning reflected a common judicial approach of the era. By the 1990s, many courts had accepted that pregnancy discrimination was unlawful. Far fewer were willing to conclude that equality might require employers to accommodate pregnancy-related limitations.

Justice Johnson's Different Vision

Justice Denise Johnson agreed with the majority's conclusion that FEPA prohibits pregnancy discrimination. She disagreed, however, with the majority's understanding of what equal treatment means in practice. Justice Johnson began with a simple premise: Lavalley wanted to work and sought a temporary accommodation that would allow her to continue working despite pregnancy-related lifting restrictions. Instead, Lavalley was placed on leave at reduced pay. Meanwhile, other workers with physical limitations received light-duty assignments and continued earning full wages.

For Justice Johnson, the relevant comparison was not between Lavalley and other workers denied accommodations, but between Lavalley and workers with similar physical limitations who nevertheless received accommodations that allowed them to continue working. The majority accepted the employer's classification system as dispositive. Justice Johnson questioned the

classification itself. Why, she asked in effect, should an employer's decision to distinguish between work-related and non-work-related conditions determine whether workers are similarly situated for purposes of discrimination law? That question would later become central to the national debate over pregnancy accommodation.

Individualized Assessment and Actual Ability to Work

Justice Johnson grounded her analysis in the language and legislative history of the Pregnancy Discrimination Act (PDA). The PDA provides that pregnant employees must be treated the same as "other persons not so affected but similar in their ability or inability to work." Johnson emphasized the phrase "ability or inability to work." In her view, pregnant employees should be evaluated according to their actual capacity to perform job duties. She criticized policies that automatically remove pregnant workers from the workplace without considering whether they can continue working with modest adjustments. As she explained, pregnant employees should be treated according to their individual ability to work. Today, that proposition sounds self-evident. In 1997, however, it represented a significantly more expansive understanding of workplace equality than the majority was willing to embrace.

Johnson's analysis exposed a weakness in traditional pregnancy-discrimination doctrine. A rule may be facially neutral yet still exclude pregnant employees from workplace opportunities available to others. Justice Johnson recognized that tension long before it became central to national debates about pregnancy accommodation.

Accommodation for Religion and Disability but not Pregnancy

By the time *Lavalley* was decided, both Vermont and federal law recognized that employees with disabilities may require reasonable accommodations to enjoy equal employment opportunities,¹³ and federal law had long required accommodation of religious practices.^{14 15} Pregnancy remained the exception. Although Congress enacted PDA in 1978 to overturn *Gilbert*, the PDA was drafted primarily as an equality amendment. Courts frequently held that employers could deny accommodations to pregnant workers so long as they denied them to other employees with non-work-related conditions.

Justice Johnson's dissent implicitly challenged that framework. Her analysis reflected the same insight that underlies disability and religious accommodation law: equal employment opportunity sometimes requires workplace adjustments that allow

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qualified individuals to remain employed.

Anticipating *Young v. UPS*

In 2015, the United States Supreme Court decided *Young v. United Parcel Service, Inc.*,¹⁶ a case with facts that are remarkably similar to *Lavalley*. Peggy Young, a UPS driver, sought a temporary accommodation for pregnancy-related lifting restrictions. UPS denied the request even though it provided accommodations to certain other workers with lifting restrictions. The Supreme Court held that pregnant employees may establish discrimination claims when employers provide accommodations to large numbers of nonpregnant employees while denying comparable accommodations to pregnant workers.

Like Justice Johnson, the Court in *Young* focused on whether employees with comparable work limitations were being treated differently. Like Johnson, the Court questioned the adequacy of employer-created classifications as the sole basis for determining equality. Although *Young* stopped short of creating a general accommodation mandate, it moved pregnancy-discrimination law closer to Johnson's analysis.

From *Young* to the Statutory Right to Reasonable Accommodations for Pregnant Workers

In 2017 - twenty years after the Vermont Supreme Court rejected *Lavalley's* claim - the Legislature amended FEPA to require that employers accommodate pregnancy-related conditions, bringing Vermont law substantially closer to Justice Johnson's understanding of workplace equality. Five years later, Congress caught up with Vermont by enacting the Pregnant Workers Fairness Act. Both statutes shifted the legal inquiry away from formal equality and toward workplace inclusion by asking whether reasonable accommodation would permit a pregnant employee to continue working.

Lavalley illustrates a recurring feature of

Vermont employment discrimination jurisprudence: a willingness to develop FEPA independently of federal law. The majority's rejection of *Gilbert* reflected a broader commitment to evaluating Vermont civil-rights protections according to Vermont's own statutory purposes and public policies. That willingness to chart an independent course has long been a strength of Vermont jurisprudence. At the same time, *Lavalley* demonstrates the inherent conservatism of the judiciary. The majority was prepared to recognize pregnancy discrimination as sex discrimination, but it was not prepared to interpret a law that prohibits discrimination broadly enough to include an accommodation requirement that the Legislature had not expressly adopted.

Looking Back at Justice Johnson's Dissent

With the benefit of hindsight, Justice Johnson's dissent appears remarkably prescient. She recognized that the critical question was not whether a policy appeared neutral on its face, but whether a pregnant employee capable of working with reasonable adjustments was being denied opportunities available to other workers with comparable limitations. She emphasized individualized assessment rather than categorical assumptions. She questioned the practice of forcing pregnant employees onto leave when they wished to remain employed. She focused on actual workplace opportunity rather than formal classifications. Those themes now permeate modern pregnancy-accommodation law.

Johnson did not argue that FEPA itself imposed the kind of affirmative accommodation duty that the Legislature later enacted when it amended FEPA and Congress passed the PWFA. Her analysis remained rooted in disparate-treatment principles and comparator evidence. Nevertheless, the vision of workplace equality underlying her dissent anticipated many of the values that ultimately shaped contemporary law.

Lavalley occupies an important place in



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the history of Vermont employment law. The majority opinion helped establish that pregnancy discrimination is a form of sex discrimination under FEPA, rejecting a narrow interpretation that had already been discredited in federal law. In doing so, the Court demonstrated Vermont's willingness to interpret its civil-rights statutes independently and expansively.

Yet the case is equally notable for what the Court declined to do. The majority adhered to a model of formal equality under which pregnant workers were entitled to the same treatment as others, but not necessarily to accommodations that would permit them to remain employed.

Justice Johnson's dissent offered a different vision. She argued that meaningful equality requires attention to a worker's actual ability to perform the job and skepticism toward policies that exclude pregnant employees from work they are capable of

performing. Although her position did not prevail in 1997, subsequent developments including *Young*, the 2017 amendment to FEPA, and the passage of the PWFA, suggest that the law ultimately moved closer to her understanding of workplace equality.

In that sense, *Lavalley* is more than a Vermont employment discrimination case. It is a window into a larger transformation in American law: the gradual recognition that equal employment opportunity sometimes requires accommodation, and that formal neutrality alone may be insufficient to secure genuine equality in the workplace. Looking back from the era of the 2017 FEPA amendment and the Pregnant Workers Fairness Act, Justice Johnson's dissent appears not merely persuasive, but ahead of its time.

Barbara Lelli was an Investigator at the Vermont Human Rights Commission during

the time that Justice Johnson was Chair of the Commission. Barb's current practice is dedicated to representing workers in employee rights litigation, including employment discrimination and harassment, medical leave violations, and failure to accommodate.

¹ Justice Johnson was the first woman appointed to the Vermont Supreme Court where she served from 1990 to 2011. She was also the first person to Chair the Vermont Human Rights Commission from 1988 to 1990.

² Among other things, Justice Johnson created and led the Committee on Equal Access to Justice which led to the Vermont Access to Justice Coalition. She also served on the Board of Directors of the Vermont Bar Foundation.

³ In *Baker v. State of Vermont*, 170 Vt. 194, 242, 744 A.2d 864, 897 (1999), Justice Johnson criticized the Court's unwillingness to declare it unconstitutional for the State to deny marriage licenses to same-sex couples. The majority was only willing to urge the Legislature to change the law.

⁴ *Lavalley v. E.B. & A.C. Whiting Co.*, 166 Vt. 205, 692 A.2d 367 (1997).

⁵ 21 V.S.A. §§ 495-496.

⁶ 21 V.S.A. § 495k, enacted by 2017 Vt. Laws No. 21, § 2 (H. 136).

⁷ Pregnant Workers Fairness Act, 42 U.S.C. §§ 2000gg to 2000gg-6, enacted by Pub. L. No. 117-328, 136 Stat. 4459.

⁸ *Lavalley* was forced out of work on disability leave in March 1991 and returned to work on July 5, 1991.

⁹ *General Electric Co. v. Gilbert*, 429 U.S. 125 (1976).

¹⁰ Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17.

¹¹ The Vermont Supreme Court often states that FEPA is "patterned on Title VII." See *Hodgdon v. Mt. Mansfield Co.*, 160 Vt. 150, 161, 624 A.2d 1122, 1128 (1992); *Graff v. Eaton*, 157 Vt. 321, 327, 598 A.2d 1383, 1386 (1991); *State v. Whitingham School Board*, 138 Vt. 15, 21, 411 A.2d 1348, 1352 (1979). As a matter of legislative history, however, that description is imprecise. Vermont enacted FEPA in 1963, one year before Congress enacted Title VII. Accordingly, FEPA could not literally have been modeled on Title VII. The relationship is better understood in reverse: Vermont's statute predates Title VII, although the two enactments share similar purposes and Vermont courts often look to Title VII precedent as persuasive authority.

¹² Pregnancy Discrimination Act of 1978, 42 U.S.C. § 2000e(k), enacted by Pub. L. No. 95-555, 92 Stat. 2076 (1978).

¹³ 21 V.S.A. § 495d(12), enacted by 1981 Vt. Laws No. 65, § 3; Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213, enacted by Pub. L. No. 101-336, 104 Stat. 327.

¹⁴ Equal Opportunity Act of 1972, 42 U.S.C. §§ 2000e to 2000e-17, §2000e(j), enacted by Pub. L. No. 92-261, 86 Stat. 103 (1972).

¹⁵ Vermont has never amended FEPA to explicitly mandate religious accommodations. There are no reported cases discussing religious accommodation claims under FEPA.

¹⁶ Writing for the majority, Justice Stephen Breyer was dismissive of the argument that pregnancy workers were entitled to accommodations, referring to it as a demand for "most-favored-nation status." *Young v. United Parcel Service, Inc.*, 575 U.S. 206, 229 (2015). ☞

What Homelessness Taught Me About Being a Lawyer

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When I began my work as the Vermont Poverty Law Fellow at Vermont Legal Aid, I expected to spend two years learning to practice law. I knew that my fellowship would focus on legal issues affecting people experiencing homelessness, and I anticipated becoming familiar with the statutes, rules, and administrative procedures governing Vermont's emergency housing system. What I did not anticipate was how profoundly the experience would shape my understanding of the legal profession itself. Over the course of my fellowship, I came to appreciate that homelessness, like many other issues caused by poverty, is not simply a housing issue. It is the intersection of countless legal, social, economic, and health-related challenges. More importantly, I learned that effective advocacy requires far more than legal knowledge: it requires meeting people where they are, building trust, and recognizing that access to justice has little meaning if people do not feel empowered by their lawyer.

Like many new attorneys, I entered my practice eager to help people solve legal problems. Early in my fellowship, however, I realized that there were many barriers affecting people experiencing homelessness that would necessitate unique approaches to practicing law. One of my first projects was helping create a virtual legal clinic for participants in Vermont's General Assistance Emergency Housing Program. The goal was straightforward: provide accessible legal services to individuals navigating a complex and frequently changing system. However, it quickly became clear that what seemed accessible from a lawyer's perspective was not always accessible from a client's perspective. Many people experiencing homelessness lacked reliable phone service. Others felt intimidated by the prospect of calling an unfamiliar attorney. Some simply had more immediate concerns, such as finding food, transportation, or a safe place to sleep.

As a result, the clinic and my fellowship evolved. Rather than waiting for clients to reach out to me, I began bringing legal services directly into community spaces, including drop-in centers and organizations serving vulnerable populations. Sitting in these spaces and speaking informally with community members taught me one of the most valuable lessons of my fellowship: trust is often the foundation upon which all effective advocacy is built. Before people will share deeply personal information, dis-

cuss legal problems, or accept legal advice, they need to believe that you are willing to listen. Consistently showing up in community spaces was often just as important as any legal argument I could make.

Getting to know folks on a personal level also challenged many of my assumptions about homelessness. Before beginning the fellowship, I was aware of the ways that substance use disorder and other public health crises often intersect with housing instability. What I learned, however, was that homelessness rarely stems from a single cause. People become homeless after experiencing domestic violence, aging out of foster care, losing employment, facing discrimination, surviving serious illness, navigating family breakdowns, or encountering barriers resulting from past criminal convictions. Many Vermonters experiencing homelessness are confronting several of these obstacles simultaneously. The more clients I met, the more I understood that homelessness is often a symptom of larger systemic failures rather than just individual challenges.

My understanding of the complexity of barriers afflicting people experiencing homelessness became particularly tangible through my extensive work representing individuals before the Human Services Board. The cases I handled provided windows into the intersection of personal hardships and public, administrative systems. Fair hearings at the Human Services Board became one of the most important learning environments for strengthening critical legal skills during my fellowship, including administrative advocacy, witness preparation, and evidentiary presentation. Most importantly, these cases illustrated how profoundly administrative decisions can affect a person's life. A determination regarding emergency housing eligibility is not merely a bureaucratic exercise; for many families, it can mean the difference between safety and sleeping outside.

Several cases at the Human Services Board involved individuals who had been denied housing despite qualifying under the law. In one matter, I represented a client who repeatedly faced barriers because he required a service animal. In another, I represented a medically vulnerable Vermonter whose health conditions had not been adequately considered by the Department. Through these hearings, I came to appreciate how advocacy can ensure that legal protections already on the



books are meaningfully enforced. Many of these victories did not involve creating new rights. Instead, they required persistence, careful preparation, and a willingness to insist that existing protections be honored.

At the same time, I had the opportunity to participate in large-scale impact litigation through *Groundworks v. Agency of Human Services*. Early in my fellowship, I helped review thousands of pages of discovery and contributed to motion practice. Later, I participated in mediation efforts, worked on summary judgment briefing, and supported broader litigation strategy. The litigation ultimately focused on fundamental questions of due process and the rights of Vermonters participating in the emergency housing program. The experience provided first-hand training in complex litigation and demonstrated how individual client experiences can drive systemic change.

One particularly meaningful lesson from this work was the realization that individual advocacy and systemic advocacy are not separate endeavors. They inform one another. The stories clients shared during legal clinics, administrative hearings, and community meetings frequently highlighted patterns that later emerged in litigation and policy discussions. Likewise, systemic victories often improved outcomes for countless individuals whom I would never personally represent. When our litigation efforts secured greater notice and procedural protections for participants in the emergency housing program, the impact

extended far beyond any single client file.

By the final year of my fellowship, I found myself increasingly involved in legislative advocacy. I attended committee hearings, worked with coalition partners, submitted public comments, and testified on legislation affecting Vermonters experiencing homelessness. Entering the State House for the first time as an advocate felt markedly different from representing an individual client, but I soon realized that the same skills applied in both settings. Effective advocacy required listening carefully, understanding competing perspectives, communicating clearly, and grounding legal arguments in lived experience. My clients had already taught me many of the lessons I brought into legislative discussions. Their experiences and stories transformed policy debates from abstract conversations into tangible questions that impact real human lives.

Another theme that emerged throughout the fellowship was the importance of collaboration. Virtually every meaningful accomplishment depended upon part-

nerships. Attorneys, social workers, housing navigators, harm reduction specialists, health care providers, community advocates, legislators, and individuals with lived experience all contributed unique expertise. Some of the most important outcomes emerged not from any single organization, but from sustained collaboration among people approaching the problem from different perspectives. The fellowship reinforced that lawyers play an important role in addressing complex social problems, but we are most effective when working alongside others.

As my fellowship comes to a close, I am deeply grateful for the clients who trusted me with their stories. They taught me far more than any statute, regulation, or casebook ever could. They taught me that resilience exists even in the most difficult circumstances. They taught me that legal systems can be confusing and intimidating, but that thoughtful advocacy can make those systems more navigable and just. Most importantly, they taught me that good lawyering begins with listening.

I leave the fellowship with a stronger understanding of housing law, administrative advocacy, impact litigation, and legislative reform. However, the lesson I will carry forward above all others is simpler: access to justice is not merely about having a lawyer. It is about ensuring that people know their rights, can reach legal assistance, and feel empowered to seek help when they need it. Whether that work occurs in a courtroom, a legislative hearing room, a community drop-in center, or a motel room serving as someone's home, it remains the same fundamental mission: using the law to help people build stability, dignity, and hope.

That is what homelessness taught me about being a lawyer.

Deanna Hartog was the Vermont Poverty Law Fellow for 2024-2026. The focus of Deanna's fellowship was justice for people experiencing homelessness. Now that her fellowship is concluded, she will be continuing her career as a staff attorney with Vermont Legal Aid. 🏠

Teri Corsones Wins Robert B. Yegge Award for Outstanding Contribution in the Field of Judicial Administration at ABA Annual Meeting

Vermont State Court Administrator Therese "Teri" Corsones was honored on Aug. 1 at the 2026 ABA Annual Conference in Chicago with the Robert B. Yegge Award for Outstanding Contribution to the Field of Judicial Administration.

The Award honors the former Dean Emeritus of the University of Denver Sturm College of Law and former Chair of the Lawyers Conference of the ABA (1987-88). Yegge distinguished himself with outstanding achievements in the area of judicial administration and also as a leader in scholarly and civic arenas.

The Award has been given each year since 2009 to a current or former member of the American Bar Association who best emulates Dean Yegge's contributions to the field of judicial administration either through a single outstanding achievement, a lifetime of achievement in this area through legal, scholarly, or civic avenues, or through exceptional service to the Lawyers Conference of the Judicial Division.

Teri was on hand in Chicago to receive the award. She spoke to those assembled about the accomplishments of the Vermont judiciary, specifically highlight-

ing the 250th anniversary of the Declaration of Independence celebrations. Teri was co-chair with Vermont Supreme Court Justice Nancy Waples of the VT Judiciary 250th Anniversary Declaration of Independence Committee. The Committee promoted and organized events in Montpelier and around the state to commemorate the 250th anniversary of the Declaration of Independence.

Teri is a well-known figure in Vermont legal circles. The Vermont Supreme Court appointed her to the State Court Administrator post in 2022. Just prior to her appointment, she served as Executive Director of the Vermont Bar Association. After graduating from Cornell Law School in 1982, Teri worked in private practice in Vermont for 25 years before serving as Superior Court Clerk after the re-structuring of the Vermont Superior Court in 2010. During her career in the private and public sectors, Teri also served as President of the Vermont Bar Association, President of the Vermont Bar Foundation, Chair of the Vermont Human Rights Commission, Chair of the Mendon Planning Commission, Chair of the Diocese Review Board and Member



of the Vermont Access to Justice Coalition. This is a partial list of her activities. She is married to the Hon. Cort Corsones. They have three children and six grandchildren.

Teri was nominated for the award by Stackpole & French attorney Alex Cyr. Alex represents Vermont as the State Delegate to the American Bar Association (ABA) House of Delegates and serves as an at-large member of the Vermont Bar Association (VBA) Young Lawyers Division Executive Board. He was on hand in Chicago along with other members of the Vermont Delegation, including former VBA President and ABA Delegate Elizabeth Kruska, to present the award to Teri.

Thanks to Elizabeth Kruska for the photo. 🏠

How Long Should I Keep Closed Client Files?

As a risk manager for a national legal malpractice insurance company, this is the one question I have been asked more than any other. Often the reason why is because an attorney or law firm is tired of paying the costs associated with storing all their closed files, and they're hoping to hear it's okay to get rid of most of them.

Unfortunately, the answer isn't as straightforward as one might hope because the answer is it depends. Start with a baseline assumption of seven years and go from there. Of course, once any destruction date arrives make sure you follow through with a proper file destruction process.

File Retention

General Retention Guidelines: Why Seven Years Is a Reasonable Baseline

Because guidelines and ethical opinions differ across jurisdictions, you should always check with the authorities where you practice. That said, most recommendations fall in the seven-to-ten-year range. Speaking as a risk manager, I lean toward the shorter end of that window. My reasoning is this. The statute of limitations on malpractice under contract law is often five or six years, and I add one more year just to play it safe. Thus, seven years is generally sufficient for most matters. If seven years have not yet passed, the safest answer is simple: keep the file.

I can share that over the years I have encountered a few firms that take a far more aggressive approach. Some of these firms went so far as to destroy all files well within the first-year post closure. I strongly advise against this. If a malpractice claim ever arises, you will have no file to defend yourself with, which is a position you never want to be in. Trust me on that one.

Why Some Files Must Be Kept Longer Than Your Standard Retention Period

Even after your seven-year (or up to ten-year) retention period has passed, you may still be unable to destroy certain files. As with most rules, there are exceptions that require additional storage time. These include, but are not limited to:

- ♦ representation can toll these statutes).
- ♦ Files involving a client who was, and still is, a minor.
- ♦ Estate planning files for clients who are still alive.
- ♦ Files containing agreements that have not yet been executed or fully paid off.
- ♦ Files establishing the tax basis of client assets.
- ♦ Adoption files.
- ♦ Support or custody files with continuing obligations.
- ♦ Files with renewable judgments.
- ♦ Corporate books and records for active client entities.
- ♦ Files for clients convicted of a capital crime.
- ♦ Files involving certain "problem clients."

In a perfect world, every file would have been assigned a destruction date, or at least a review date, when it was first closed. If that didn't happen, use these exceptions to guide your decisions now.

File Destruction

Always Conduct a Final Review Before Destroying Any File

Before destroying any given file, conduct one final review. This step prevents premature destruction and ensures that documents that should not be destroyed are preserved.

When the file was originally closed, you should have separated and returned all

original documents belonging to the client. If that didn't happen, now is the time to correct it.

During this final review, identify and preserve:

- ♦ Documents that clearly or probably belong to the client.
- ♦ All original documents.
- ♦ Any documents the client may need or reasonably expect you to preserve.
- ♦ The file's closure letter.

That closure letter is more important than many lawyers realize because it can help clarify whether a conflict of interest exists later. If closure letters are destroyed, you lose the ability to provide documentation that an inactive client is actually a past client under Rule 1.9, the "Former Client" Rule.

Why You Shouldn't Unilaterally Decide to Destroy Client Files

To varying degrees in many jurisdictions, the file is considered client property. This means clients should be made aware of and give their permission to have their property destroyed. If clients were never informed of your file retention and destruction policy when their file was closed, try to contact them now to see if they want their file. Some lawyers try sending letters to the last known address, but with older files this effort often yields little success. To avoid having to deal with this problem, many firms now include file-retention language in their

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engagement letters and closure letters, at least on a going forward basis. If you wish to adopt a similar approach, consider including the following sample language in your closure letters.

I have enclosed your original documents as I no longer need to keep them, and I thought you would want them for your records. It is our firm's practice to destroy files [number of] years after we close them. If you would like us to return your file to you [number of] years from now instead of destroying it, please send me a note to that effect within the next thirty days so that we can segregate your file from all our other files and accommodate your request. You will need to be responsible for keeping us informed as

to how to reach you should your contact information ever change.

If you find yourself needing to send past clients a letter years after closing their files, you might consider designing a letter based upon this sample language.

Our policy is to destroy files [number of] years after they are closed. We have retained your file for that period of time and are now preparing to have it destroyed. If your desire is to have our firm continue to store it or see that it is returned to you, you must send me a letter telling us of your desire and this must be done no later than ten days after the date you receive this letter.

Protect Confidentiality to the Very End

Once you determine which files can be destroyed, make sure you follow through and see that they are properly destroyed. Never just toss boxes upon boxes of files in a dumpster behind the office or drop them off at the local landfill! Client files must be incinerated or shredded because your obligation to preserve and maintain client confidences doesn't end even though your file retention period has.

Document the Final Disposition of Every File

And finally, create and maintain an inventory of the final disposition of all files. At a minimum, track:

- ♦ Client name
- ♦ File matter
- ♦ Method of disposition (destroyed or returned)
- ♦ Date of disposition

This record will prove useful should any questions arise years later.

Why You Don't Get a Pass Just Because Digital Storage is Inexpensive

One final thought. I have found that some firms try to avoid the headache of having to work through much of the above by choosing to keep digital copies of client files indefinitely because virtual storage is inexpensive. They scan the file, destroy the hard copy, and keep the digital version.

On the surface, this may seem like a problem has been solved, but it really hasn't. Again, your ethical obligations remain the same regardless. For example, as you replace or upgrade hardware and storage devices, all client data on those devices should still be reviewed to ensure nothing is prematurely lost. Similarly, you can't simply abandon a cloud storage account or recycle or donate old devices without destroying all digital client files that were stored there. In other words, the issues remain the same whether your files are paper or digital because there is no digital storage exception in the Rules of Professional Conduct.

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.

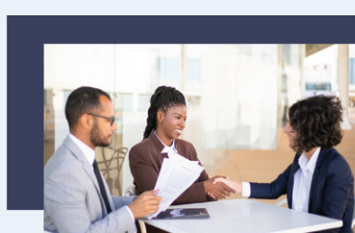


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BOOK REVIEW

Challenging Cases: Judges Tell the Stories of High-Profile and Other Tough Cases

By Russell F. Canan, Gregory E. Mize,
and Frederick H. Weisberg, eds.

The New Press (2026)

240 pages, \$27.99 Hardcover

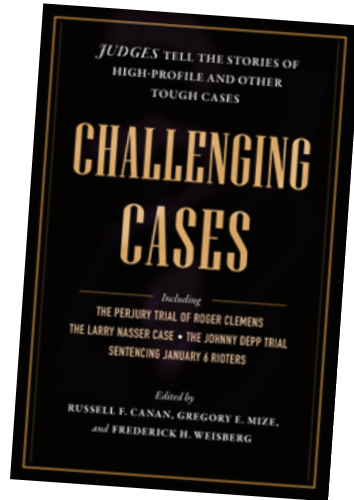
Reviewed by Gary G. Shattuck, Esq.

Picking up where they left off in 2018 with their critically acclaimed *Tough Cases: Judges Tell the Stories of Some of the Hardest Decisions They've Ever Made*, the three-judge team of Russell F. Canan, Gregory E. Mize, and Frederick H. Weisberg continue pursuing a winning strategy with their recently released *Challenging Cases: Judges Tell the Stories of High-Profile and Other Tough Cases*. The contributors include judges from both state and federal courts with varied professional backgrounds, including a Vermonter who served on a war-crimes tribunal in the Balkans. Across 13 chapters spanning 211 pages, accompanied by the authors' photos and limited footnotes, the reader is treated to an eclectic sampling of familiar, and not so familiar, types of cases dissected from a judicial viewpoint.

Reported decisions often give the illusion that the law proceeds by inexorable logic. However, in closer examination, these essays remind us that many of the most consequential decisions emerged only after judges wrestled with conflicting precedent, incomplete facts, ethical dilemmas, and the weight of knowing that real lives would be altered by a single signature. In sum, these accounts offer a probing look behind those published opinions into the uncertainty, responsibility, and humanity that accompany the hardest judicial decisions.

Although the cases vary widely—from criminal prosecutions and constitutional disputes to questions involving personal autonomy—they share a common thread. Each demonstrates that judging is seldom a mechanical exercise in applying precedent. Instead, these essays reveal how legal reasoning, human experience, and institutional responsibility intersect in ways that appellate opinions rarely capture. Two observations encapsulate these themes, ranging from the pithy, “judges are like oysters; we don’t get around much and must depend for sustenance on whatever floats by” (William F. Downing, p. 124) to the profound, “Fear is a very powerful and primal emotion,” acknowledging its presence and potential effects on decision making (Charles LaVerdiere, p. 32).

Among the several scenarios presented, perhaps the most confounding are those



surrounding the right to choose how to live one's life. Of course, the goal of a judge is to apply the law to the facts, but these particular cases present scenarios going far beyond what any legislature might have intended. As a result, judges find themselves asking: when may the law intrude into intensely personal decisions? When does compassion tempt a judge beyond the limits of precedent where the law provides no explicit guidance? How does a judge withstand political pressure or even personal threats in such cases while remaining faithful to the rule of law? Two examples demonstrate this conundrum.

In essays entitled “The Right to Live; The Right to Die” (Russell F. Canan) and “The Right to Remain Ill: The Revolving Door of Mental Illness” (Darlene M. Soltys) two jurists tackle questions involving two women: one suffering the effects of cardiac arrest causing massive brain damage, leaving her in a persistent vegetative state and surviving on a ventilator and artificial nutrition and hydration, and the other, living on the streets of Washington, D.C., plagued by schizophrenia, compounded by delusions and hallucinations. The questions raised whether the former should be removed from life support and, for the latter, whether civil commitment was an appropriate resolution. In both cases, the judges wrestled with a bevy of concerns tugging them in as many directions. In the end, both thoroughly explained their reasoning in detailed decisions allowing the reader to understand their concerns and, ultimately, provide reasoned results. This included: for the first, withdrawing life support and allowing for death to take its course, and the other, much to the judge's frustration, rejecting commitment because her mental state had not declined to the point where she required that result.

Other essays address a subset of privacy related issues running headlong into

the law. On these occasions, the judges demonstrate that despite how well intentioned the law might be, its persistent stumbling continued when confronted with real life scenarios. This was shown in one case through the application of a law prohibiting same sex marriages in “Wedlock Deadlock” (Downing) and, in the second, the potential confinement of a nurse over public health concerns because of her exposure to a deadly disease in “The Ebola Nurse” (LaVerdiere). Again, as above, each judge worked their way through the cases, finally resolving each with pragmatic outcomes. Other essays present the persistent challenges judges faced and resolved, including the case of a police officer mistakenly drawing her service revolver instead of a taser to subdue, and kill, a suspect (Regina Chu); the sad dismantling of baseball super star Roger Clemens's reputation in an unwarranted (in the judge's opinion) prosecution for perjury (Reggie B. Walton); and, the difficult imposition of a sentence on a U.S. Marine involved in the January 6 insurrection, later pardoned by President Trump (Ana C. Reyes).

In this age of increasing violence directed towards the judiciary, and with U.S. Supreme Court justices recently testifying before Congress seeking enhanced protections, it is appropriate that some of the book's essays raise issues directed towards the safe and orderly running of the courts themselves. Two of the essays present the challenges judges faced when confronted with litigants' outsized reputations and the attending confusions they threatened. In one, over 30,000 people descended on a Virginia courthouse during the seven-week defamation trial involving actors Johnny Depp and Amber Heard, during which some 20 attorneys appeared (Penney S. Azcarate). In a second, 169 people provided testimony in the matter involving USA Gymnastics doctor Lawrence Nassar's sexual assault of 156 victims (Rosemarie Aquilina). Both cases required huge expenditures of time, money and personnel to assure the efficient use of court resources and steady flow of testimony to their respective juries.

As challenging as those cases were, none could match the life-threatening environment of a divisive trial taking place in the blood-torn Balkans overseen by a tribunal that included Vermont judge Dean Pineles. The underlying case concerned the prosecution of ten individuals for war crimes taking place during the internecine blood-letting between Serbs and Albanians between 1998-1999. Emotions were extremely high during the ensuing prosecutions taking place in Kosovo's capital city, Pristina, as the warring factions threatened

violence and engaged in suspected witness tampering. The safety of the judges themselves was also paramount, with Pineles under constant guard, escorted by armed personnel in an armored vehicle while living in an apartment protected by an enforced entry point and barred windows. Regarding the trial itself, Pineles provides a comprehensive overview of what occurred, including his lone dissent concerning the admissibility of evidence. His well-reasoned decision was finally vindicated on review, lead-

ing him to characterize it as “the toughest of my judicial career” (64); a period of more than 20 years.

Ultimately, these essays remind us that while appellate reports preserve legal reasoning, they rarely preserve the human experience of judging. By allowing readers inside the deliberative process, this candid, heartfelt collection offers lawyers a deeper understanding of the institution they serve and, for judges, a reminder that the hardest cases are often remembered less for the

legal doctrines they produced than for the burdens of judgment they imposed.

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

IN MEMORIAM

William Bruce Bjornlund

William Bruce Bjornlund passed away peacefully at his home in East Montpelier on Friday, Aug. 15, 2025. He was 83. Bruce enjoyed a fulfilling 54-year career practicing law, the last 48 years of which he spent in private practice in Waterbury, Vermont.

Bruce was the son of Oke and Shirley (Hanson) Bjornlund and was raised in Holden, MA. He graduated from Wachusett Regional High School in 1959, Middlebury College in 1963 and obtained his law degree from Boston University School of Law in 1966.

Before attending Middlebury, Bruce was introduced to the natural beauty of Vermont while working as a counselor at Camp Abenaki in South Hero, Vermont, a job which he loved and which would influence him greatly as a young man and beyond.

Bruce began his legal career as a labor relations attorney at General Electric Co. and The Norton Co. He was involved in Equal Opportunity Employment negotiations all over the United States. In 1969, Bruce returned to Vermont as the state's Deputy Commissioner of Personnel. In 1972, Bruce opened his own law firm in Waterbury, and, for the next 48 years, enjoyed working for a wide variety of clients, from families buying their first home in the Mad River Valley to municipalities in complex litigation (including the Town of East Montpelier).

Bruce was a man of few words, but he was witty and had a keen, dry sense of humor. He was an avid reader and, before his mobility was limited by illness, he enjoyed hunting, sailing, and traveling with his wife and children. In his later years, Bruce enjoyed writing letters to friends and family near and far, who always looked forward to hearing about the weather in Vermont, a favorite poem, or local politics, to name a few of Bruce's favorite topics. Bruce volunteered for several organizations, including The Vermont Children's Aid Society (President), and The Center for Northern Studies in Wolcott.

Bruce was accompanied in life by his wife of 53 years, Georgiana O. Miranda. In addition to Georgiana, he is survived by his son Niall A. Bjornlund, daughter-in-law, Lori, and grandchildren Cellia, and Ivan, all of Waitsfield, VT; son Kyle E. Bjornlund, daughter-in-law, Kate, and grandchildren Eliza, William, and Frances of Cambridge, MA. He is also survived by his brother Robert, sister-in-law, Nancy, and niece Shari of Brooklyn, MN, as well as his nephew, James, his wife Kari, and their daughters Savanah and Rianna of Coon Rapids, MN..

Matthew T. Birmingham

Matthew T. Birmingham, III of West Windsor, VT, died Thursday, Jan. 15, 2026, at Dartmouth Health in Lebanon, NH following complications from a serious illness. A beloved husband, father, brother, neighbor and friend, he was 77.

Matt was born Sept. 12, 1948, in New Haven, CT, son of Matthew and Jane (Gaillard) Birmingham. The oldest of four children and affectionately known as Spike, he graduated from The Taft School in Watertown, CT, in 1966. He studied for one year at Haileybury and Imperial Service College in Hertford Heath, Hertfordshire, England, before completing his undergraduate degree at Trinity College in Hartford, CT, in 1971, where he was a member of the Alpha Delta Phi fraternity. He played varsity hockey for four years and was captain of the lacrosse team. It was at Trinity that he made many friendships that would last a lifetime. Matt earned his Juris Doctor degree from Boston College Law School in 1974.

As a law student in Boston, Matt met the love of his life Lynne Trageser. They married in Chapel Hill, NC, in 1974, and recently celebrated 50 years together. In 1976 they bought and slowly remodeled an old house that was a part of the original settlement of West Windsor, where they happily remained ever since. The family has been blessed for over 50 years by the love and care of their

Sheddsville neighbors and many friends in the area.

Matt's professional career began with Glover & Fink Law in Ludlow, VT. Over the decades that followed he established Birmingham & Moore Law and then Birmingham Law, creating deep roots in central Vermont. He was a member of the Vermont Bar Association, the Windsor County Bar Association, the Vermont Association for Justice (VTAJ), and the Inns of Court. His colleagues describe him as driven by genuine and deep-seated empathy for those less fortunate in society, often delivering turkeys on Thanksgiving or raising money for the Cavendish Family Fund. He gave of himself countless hours and efforts to lighten the suffering of many, all without fanfare or self-promotion.

He was the West Windsor Town Moderator for thirty-four years devoting himself to serving the town, leading with grace and good-natured humor. His deep commitment to the community earned respect and admiration for all that knew him. Matt taught criminal justice at the College of St. Joseph in Rutland and served as a trustee of the Mary L. Blood Memorial Library in Brownsville, fulfilling his love of books and history. He coached lacrosse at Woodstock Union High School, soccer at the Albert Bridge School in Brownsville, hockey in the Twin Valley Hockey League and acted as a mentor with Windsor County Partners, impacting the lives of so many youth in the area.

Matt was an avid outdoorsman who loved sailing during college summer breaks in Christmas Cove Maine, skiing at Mt. Ascutney and Okemo, and hiking the mountains of New England. On his 60th birthday he completed a hike of the Presidential Range in New Hampshire. At home, he was happiest in his garden tending tomatoes, or at his family's farm in Cavendish, VT. He had a love for his dogs, Bruins hockey, books by the fire and above all his children and grandchildren. The four-legged members of the

family will miss Grandfather Biscuit, as he always had a pocket full of treats, no matter where he was.

He is survived by his wife, Lynne; son, Matthew (Melissa) of South Burlington, VT; son, Tim (Kati) of Jericho, VT; and daughter, Sarah Wannop (Robert) of Charlotte, VT. He took great joy in seeing his children become the adults they are today. He loved his eight grandchildren, Liam, Grace, Molly, Ben, Avery, Will, Alex, and Nathan. He is also survived by his brother, James (Lisa) Birmingham of Stowe, VT; sister, Bonnie (Clark) Cretti of Carbondale, CO, and numerous nieces and nephews. He was predeceased by his brother, Peter.

Wanda Ivette Otero

Wanda Ivette Otero Esq. of Lincoln, Vermont passed away at her home in Buena Vista, Mexico on April 21, 2026 of a heart attack. She was 57 years old.

Wanda was born in Spanish Harlem, attended and graduated from Wesleyan University, SUNY at Albany, and Temple Law School of Philadelphia. She moved to Bridport, and worked at Paul, Frank and Collins. Wanda moved to Lincoln in 2012. She made Partner at Langrock, Sperry and Wool and became general counsel at VTNEA. She finished her legal career working at Littler Mendelson.

Wanda found cause in helping families stay together, arguing before the State Supreme Court, and providing legal services for those who could not otherwise afford her skills. She translated at the Open-Door clinic in Middlebury, Vermont, and was an active member of the Lincoln Church community.

She retired from the law in 2023 and moved to the Pacific Coast of Mexico with her beloved Bernese Mountain Dog, Bruno. Wanda quickly integrated herself into the local community and provided a place for people to share her cooking, which, along with gardening, was a passion of hers. Wanda traveled back and forth from Mexico to Vermont often to spend time with her grandson, Jordan and her family.

She has survived by her eldest daughter, international artist Rosa Leff and her husband, Asher of Puerto Rico, her daughter Kasandra, son Moises of Monkton, daughter Blanca, grandson Jordan of Bristol and her partner Paul Parsons, of Lincoln, Vermont. Her niece, Rosanne, her husband Louis and grandniece, Alivia, reside in Newport News, Virginia.

Her ashes are interred at Wanda's property in Mexico.

H. Dickson Corbett

Judge H. Dickson Corbett died unexpectedly on July 2, 2026 after walking in the

woods and making his family breakfast. He was born on Sept. 26, 1979. After his passing, he will be forever loved by his wife Megan Campbell, his children Plover and Ira Corbett, his parents Adele and Henry Dickson Corbett III, his sister Taylure Corbett and her husband Andrew Salvitti, his sister Alyssa King, her husband Chris King and his niece and nephew Caleigh and Rory King, as well as his additional chosen family Michelle, Rob, Leo, and Margo Donnelly.

Dickson changed many lives through his professional work, but he gave the most to his family. He was the type of father who was the first to his children when they were hurt and the fastest out of bed when he heard their nightmares. When they were small, he would sit next to them on the bed with a lamb puppet and help them learn to express their feelings in safety. He went to the office with glitter from their art projects on his suits. He would participate in their dance parties, getting out his bass and playing along to their soundtrack. He loved to watch his daughter express music through dance from when she was a toddler spinning in her sundress at outdoor concerts to a dancer that would make him tear up when she came on stage. Dickson was always enthusiastic about his son's questions about the world, especially those that involved events cataclysmic and bizarre. He read with his son every night without fail.

Dickson could listen to birdsong and tell when the bluebirds in the yard were fledging their young, he worried for them during the torrential rains that followed. He loved forests and unkempt fields with flowers. He hiked throughout Orange County as captivated by its vernal pools and what was happening in those waters as he was by any summit. He liked to watch the oak trees grow strong after he cut away the buckthorns that had kept them in darkness. He would stand quietly in awe as the fireflies lit up the summer night. He always knew what birds were singing around him.

As an attorney and later a judge, Dickson was deeply committed to the law. He studied and researched it. He created a vast archive of what he read to better see its patterns, its synchronicity, and its areas of dissonance. Dickson loved the pursuit of law as an unending project of seeking greater equity and kindness. Even when events in the world made that project look grim, he expressed optimism and hope for the power of people working together to support and care for one another.

Because most of you reading this did not get to sit at our kitchen table, I want you to know how many of you in both his local and professional communities inspired him. How excited he got when you spoke up for those who needed a voice, went into a dangerous situation to ensure the wellbeing of someone else, named exclusion and brought

people in, cultivated joy through music and art, and showed compassion when someone did not expect to receive it. Dickson lived a beautiful life among people he valued. There are no words for how much he is missed.

Charlene R. Bohl

Charlene R. Bohl of Middlesex, Vermont, passed away on Thursday, July 9, 2026 in Burlington, Vermont at the age of 77. She was born in Columbus, OH to Charles and Winifred Bohl and grew up in Ohio and Illinois.

After receiving both her undergraduate degree and Juris Doctorate (J.D.) from the University of Wisconsin, she served the indigenous population in Wisconsin. She then moved to Vermont where, in 1978, Charlene became one of the first 100 women lawyers in Vermont. She taught for a while at the Vermont Law School and had a private law practice in Chelsea, VT.

Charlene had an affinity for the outdoors, including hiking, cycling, and cross-country skiing. She hiked the entire Long Trail in day hikes and every "4,000-footer" in Vermont and New Hampshire. Charlene also hiked and biked around the United States, including several national and state parks, as well as across several countries, including Greece and Scotland. In her final year, she biked across Holland and enjoyed the tulips with her partner, Eric. When not traveling, Charlene loved taking her beloved dogs up a local hiking trail whenever the Vermont weather allowed.

Throughout her life, Charlene was in active service of her community. Among her countless endeavors, she served on multiple boards, including Green Mountain Club, the Chelsea Health Center, and Chelsea Playschool as well as being a member of the Chelsea Public School Parent Teacher Association. After moving to Middlesex, she served on several town boards for Middlesex. In addition, she volunteered at the AARP Foundation Tax Aide as well as helped out at Rumney Memorial School in the library and as a substitute teacher.

During her short illness, she was supported by her family and a community of friends. The family expresses deep felt gratitude for the support of these friends along with the caring and dedicated staff at the Central Vermont Medical Center and the University of Vermont Medical Center.

Charlene deeply loved her family and friends. She is survived by her two children and their families: Dana Gould of Boston, MA and Stephanie Sotkin of Salt Lake City, UT, along with her granddaughter, Hannah Sotkin, also of Salt Lake City, UT, and her partner, Eric Young of Middlesex, VT and his family. She is also survived by her brother and his family: Charles Bohl of Cedarburg,

WI, as well as her cousins Heidi Lewis of Somerville, MA and John Lewis of Seattle, WA and his family.

Edward "Ted" Tyler III

Ted Tyler, beloved husband, brother, father, grandfather, uncle, lawyer, friend and longtime steward of The Tyler Place Resort, died peacefully surrounded by the love of his wife and family on Aug. 30, 2026. Born June 6, 1934, Ted lived a life deeply rooted in family, friendships and Franklin County - the place he loved most dearly. Ted grew up in Highgate Springs, on the shore of Misisquoi Bay, where his parents Ed and Judy purchased a dairy farm in 1933.

Ted also spent part of his childhood in New York City and attended St. Anne's Academy, Eaglebrook, Phillips Andover, and Yale University before earning his law degree from Harvard. These experiences gave him both a deep connection to Vermont and an appreciation for the wider world. Ted worked as a trial lawyer for almost forty years, as the owner and senior partner of Northern Trial Associates in St. Albans, Vermont. Ted believed in supporting the local community. He served in various capacities on countless committees and boards performing and promoting civic and charitable activities in Franklin County. Too numerous to mention them all, they included: Board of Managers of the Vermont Bar Association; the American College of Trial Lawyers; Swanton Town Moderator; MVUHS Moderator; Franklin County Republican Chairman; Chairman of the Incorporators of Northwest Medical Center; Rotarian for many years; Lake Champlain Committee Board; Citizen's Advisory Committee on the

Future of Lake Champlain; and President and Finance Chair of United Way of Franklin County. Ted's work as the Swanton Town Moderator, a challenging job, earned him a short article in the New York Times.

Ted eventually "retired" from practicing law and turned his energy full-time to The Tyler Place Resort. Working alongside his beloved sister Pixley, Ted helped guide and grow the resort into an extraordinary and renowned family destination. Ted loved The Tyler Place. It defined him. He loved the land, the history, the traditions, the guests, and the staff. Over the years, he developed warm and lasting relationships with countless guests and had enormous appreciation for the terrific staff whose hard work and dedication contributed to the special spirit and unique culture of the resort. The Tyler Place was not simply a business to Ted; it was part of his family and part of who he was. Every guest and staff member has probably read Ted's "A History of The Tyler Place and Highgate Springs. "A wonderful dad, Ted loved to play games and have fun with his six kids. He took them skiing most weekends throughout their childhoods, enduring endless versions of "100 bottles of beer on the wall" on the Rotary bus. The morning after a new snowfall, there would be games of Fox and Hounds, but only when the firewood for the week had been split and stacked. Ted organized elaborate weekly chore lists subtly making the work into a game. There were tickle fights, board games, races, popovers for breakfast, puffballs for dinner, and holiday games of Murder and Sardines. He read aloud from The Wonder Clock at bedtime, and at Christmas he spoiled everyone. These traditions Ted started became treasured memories for his

children and grandchildren. As a Vermont-er who loved the outdoors, Ted fished and hunted throughout his life taking memorable trips to Northern Quebec with friends and family, often including week-long explorations of remote rivers with multiple canoe portages. There was also the tennis gang whom he enjoyed batting the ball (and stories) around with for decades. But closest to his heart were the annual fall family trips to Orleans, Massachusetts, where everyone boarded Captain Dick's boat to cast for bluefish and stripers and then return for a feast and rousing games of cards.

Ted certainly wasn't against having some fun indoors as well. Be it bridge at the Owl Club or presiding over a Tyler Place happy hour, Ted loved being with people. Generous, amusing, and deeply interested in good conversation, Ted loved a good story, a challenging game, a rum punch - and let's not forget jazz and dancing. Deeply committed to his family, as a beloved husband, brother, father and grandfather, Ted leaves behind his adored wife Cathy, sister Pixley, six children Sarg, Geoff, Cam(Jess), Tasney (Nate), Chad (Patsy), Quint (Julie), his former wife and mother of his children, Carol Shepherd, step-son Rick, niece Pixita (Luke), nephew Hector, cousin Clare, ten grandchildren Alexis (Tomy), Sam (Amanda), Will, Lachlan (Abby), Mason, Tyler (Gaby), Eric, Eleanor, Ben, Charlotte, two step-grandchildren Emma and Mollie, 4 great-grandchildren Nora, Ollie, Deacon and Poppy, great-nieces Anza and Maria and great-nephew Tucker. He also had a wide circle of friends, colleagues, Tyler Place guests and staff whose lives he touched. He will be dearly missed. 🕊

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SOLUTION TO THE SUMMER PUZZLE

by Kevin Lumpkin, Esq.

Here's the solution to the "Connections" puzzle that appeared in the previous issue of the VBJ:

*Category #1 Polite, Civil, Decorous, Courteous
(Theme: Synonyms meaning cordial)*

*Category #2 Kingdom, Family, Order, Species
(Theme: Taxonomic categories)*

*Category #3 Professional Responsibility, Puerto Rico, Probate, Payroll
(Theme: Abbreviated "PR")*

*Category #4 Criminal, Sailing, Operator, Peanut Butter
(Theme: Things that can be smooth)*



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— Jason Ruwet, Esq., Partner, Kolvoord Overton & Wilson P.C

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