

Dear Committee:

In 2018, while attending Vermont Law School, I clerked part time at the law firm that holds the Public Defender Contract for Orleans County. Since my attorney licensure in July of 2021, I have worked as a criminal defense attorney in Orleans County at that same law firm. Ms. Barrett was the State Attorney for Orleans County for that entire time.

On one of my first visits to the Orleans County Criminal Court with my supervising attorney I was introduced to Ms. Barrett. She did not look at me or say one word to me. I proceeded to watch the sentencing that I was there to observe. I watched Ms. Barrett flit, flippantly around and giggle with the Orleans victim's advocate and deputy attorneys while side eyeing the defendant as he was sentenced to incarceration in front of his family who were visibly emotional. At another hearing, instead of making a legal argument in response to her opposing counsel's argument she stamped her feet, name called and personally attacked them.

I was advised by a long practicing attorney in Orleans County that they were witness to Ms. Barrett, just outside of the courtroom making fun of an Orleans County attorney for being gay. This same attorney also advised upon the marked change in civility between attorney and the Orleans County State Attorney Office when Ms. Barrett became State Attorney. Her tactics as a State Attorney had a chilling effect. A once congenial, respectful, collaborative atmosphere amongst attorneys in the criminal court was transformed by her form of grade school bullying. This attorney wishes to remain anonymous because they fear retaliation from Ms. Barrett should she not be confirmed and return as the State's Attorney of Orleans County.

On another occasion right before my associate was to go to trial with Ms. Barrett, she called my associate up to her office. She asked her to come alone. I sat in the conference room of the Court with the defendant. When my associate returned, she told me Ms. Barrett made comments to her to the effect that she was not qualified to try a felony case in what (in my opinion) was an attempt to bully and undermine my associate's confidence. She told my associate that our supervising attorney "didn't need anymore lawsuits," insinuating that my associate going forward with trial would result in one and therefore the defendant should sign the plea agreement.

After that same case, my entire office was sent a punishing email from Ms. Barrett. Due to the motions in limine my associate and I had filed leading up to trial, Ms. Barrett would no longer be making copies of discovery for our office, and we were to make appointments to come to her office and copy it ourselves. I felt and still feel afraid to use tools at a defense attorney's disposal to advocate for clients because I am afraid of her retaliation.

Given the bullying and intimidating tactics deployed by Ms. Barrett as a State Attorney against members of the legal profession, perhaps worse was bestowed upon the indigent, uneducated and poor in this community. Ms. Barrett claims to be a domestic violence advocate but I have had many alleged victims in clients' cases contact me and tell me that Ms. Barrett wouldn't listen to them. That her office would not speak to them if they did not support prosecution or if they wanted to correct misinformation as reported in a police

affidavit. Ms. Barrett dismissed them, diminished their opinions and silenced their too often silenced voices when they were trying to express themselves and what they wanted.

I have been told by a former Caledonian-Record reporter that Ms. Barrett tried to bully them into not reporting on her now husband, Mr. Hatch's transgressions prior to Ms. Barrett's election. This individual also chooses to remain anonymous and not tell their story first hand due to fear of retaliation by Ms. Barrett.

Furthermore, Ms. Barrett is the architect of the biggest overcharged, backlogged court docket pre pandemic in Vermont combined with alarming levels of pre-conviction incarceration and overly restrictive conditions of release. Each year, the Vermont Judiciary issues a statistical report detailing the work of the State's courts with respect to the filing and disposition of cases. In addition to supplying data on the number of cases added and disposed this report also measures performance of the trial courts. One performance indicator is the clearance rate. The clearance rate measures the number of disposed cases as a percentage of incoming cases. A clearance rate below 100% indicates that a court has added more cases than it has disposed, which means that a backlog of cases may be developing. From fiscal years 2016-2020, Orleans County has had a clearance rate under 100%. In 2020, Orleans County had a 70% clearance rate for felonies and a 75% clearance rate for misdemeanor cases in the State.^[1]

Lastly, while it is true that Ms. Barrett is not her husband, Mr. Hatch's transgressions do bear on Ms. Barrett's suitability for the bench because of her support of him and the comments she made to the press. Mr. Hatch had five days of hearings at the Vermont Labor Board. Ms. Barrett was present, every single day of the proceedings, running the video and organizing his exhibits.

"In terms of the Labor Relations Board case, the public is only hearing one side of the story." Barrett said. "***I work in a system*** where we rely on the process to achieve justice, and I'm confident that, through the board, there will be fair and just outcome in the case." [Barrett, quoted in Seven Days](#). "The lawsuits contain allegations and nothing more." Barrett wrote. It would be wrong to construe allegations into facts. Any lawyer can file a lawsuit. That does not mean the allegations will ever be upheld in court. It is my understanding that the lawsuits have been denied and are being vigorously litigated in civil court."...Barret said Trooper Blake Cushing's cruiser camera video would disprove some of the allegations in the Zullo suit. (It didn't). [Barrett quoted in Caledonian Record, via Berkshire Eagle](#).

By invoking her perspective as a prosecutor and commenting to the press, Ms. Barrett has invited this scrutiny of her connection to Mr. Hatch. Comment 1 of Judicial Cannon 3.6 reads:

- 1) A judge's public manifestation of approval of invidious discrimination on any basis gives rise to the appearance of impropriety and diminishes public confidence in the integrity and impartiality of the judiciary. A judge's membership in an organization that practices invidious discrimination creates the perception that the judge's impartiality is impaired.

A judicial candidate should have a justified and confirmed reputation of being at the very top of the profession. They should be a person of the highest intellectual and moral caliber, who has demonstrated empathy, compassion and has taken an active role to better his/her community. Ms. Barrett's record and character do not rise to the exceptional level of that of a judge. Please demand better for the legal profession, the judiciary, and the people of Vermont.

Respectfully,

/s/ D. Pakbaz

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