

TO: Vermont Senate Judiciary Committee
FROM: Concerned Vermont Attorneys
RE: Judicial confirmation of Jennifer Barrett
DATE: January 26, 2023

**OPEN LETTER REGARDING JENNIFER BARRETT'S JUDICIAL
CONFIRMATION**

The undersigned have affixed their names in order to show their opposition to the confirmation of Jennifer Barrett as a judge in the State of Vermont. The undersigned believe she lacks the proper ethical and moral character to take such a position.

As a prosecutor, Ms. Barrett engaged in practices that undermine the integrity of the justice system and as a citizen, she publicly defended her husband,¹ Lewis Hatch, who was terminated from his position as a Vermont State Trooper for racial profiling and performing illegal and discriminatory searches. While her zeal as a prosecutor may be what the voters of Orleans County wish to have, her aggressive tack is not suited for the bench where she is expected to demonstrate impartiality.

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The undersigned have personal experience working cases against her and we do not believe that she can perform her duties to the State. We believe her confirmation will harm the people who find themselves in her courtroom and damage public trust in the judicial system.

Sincerely.

/s/ Ember S. Tilton, *Esq.*

/s/ Kerrie Johnson, *Esq.*

Dear Committee:

I am writing to oppose Jennifer Barrett's appointment as a judge. Ms. Barrett's cavalier use and pursuit of incarceration (particularly pretrial detention) has no place in a modern current criminal justice system. She has set Orleans County back to a time when we incarcerated as many people as possible, and the people of Orleans County are no safer. She can cite to no tangible results that support her experiment in mass incarceration.

Moreover, I am deeply concerned about a recent incident at the Orleans County Courthouse involving Ms. Barrett. As you know, it is a crime to carry a gun in a courthouse in Vermont. 13 VSA sec. 4016 (b)(1). Despite this law, Ms. Barrett allowed one of her employees to routinely carry a loaded gun and extra magazine in the courthouse even though that employee was clearly troubled and aggrieved at work for months. He posted "ballistic charts and angle calculations on his office filing cabinets" and, according to the attached article about the whole affair, Ms. Barrett's other employees were obviously traumatized by this situation. Unlike public defenders, prosecutors are not required to go through metal detectors when they enter a courthouse and Ms. Barrett abused her privilege when she allowed this frightening situation.

Again, it is a *crime* to carry a gun in a courthouse. When the judiciary finally learned about the situation, the courthouse was closed for weeks, cancelling jury trials at the last minute. One of the trials that was cancelled was over five years old. Another reason Ms. Barrett must not be appointed is that she is incapable of managing a docket and is the source of a terrific backlog of cases that [predates the pandemic](#).

I have never written to oppose any appointment, but this candidate goes too far.

Sincerely yours,

Kelly Green, Esq.

Good morning Senator Hashim,

I am writing to express my opposition to the confirmation of Jennifer Barrett as a Vermont Superior Court judge. I have never personally interacted with Judge Barrett either as an attorney or as a judge. My primary opposition to her focuses on her role in defending her husband, during hearings and in the media, regarding his role in various traffic stops. While a person should not be judged by the actions of others, including their partner or spouse, here Judge Barrett took an affirmative step on her own to defend her husband's actions as a law enforcement officer.

I have seen former Trooper Hatch's work as a Vermont State Police. I struggle to understand how someone can view the videos of these motor vehicle interactions, often times with people of color, and not find them not only offensive but a violation of the Constitution. I struggle to see how Judge Barrett can take an oath to defend the Constitution when she views these interactions with people of color and women as defensible. Again, I do not think that I would be writing this to you had I not seen Judge Barrett publicly support and defend former Trooper Hatch's actions.

With client permission, I have used former Trooper Hatch's motor vehicle stops as training in terms of how to draft and file a motion to suppress based on his inappropriate behavior. The stops are that egregious. I have attached the Labor Relations Board decision as it relates to Trooper Hatch. Again, my fault with Judge Barrett is her public support for this behavior. It is unclear to me how Vermont citizens, particularly those from minority communities and women, can believe that their constitutional rights will be protected by Judge Barrett.

Mary Kay Lanthier

Good afternoon Ms. Delaney,

I write to provide my thoughts and comments on Jennifer Barrett's appointment to the Vermont Superior Court.

I couldn't help but take note that a recent VT Digger Article emphasized the fact that Governor Scott has appointed 12 individuals to the Bench, 8 of which (including Ms. Barrett) had significant prosecutorial background. This has done nothing to create impartiality on the bench. In fact, having a former prosecutor preside over criminal matters is much like having an additional prosecutor involved. More often than not, Defendants continue to be at a disadvantage.

Second, my appearances these days are primarily in the civil division. A prosecutor is not prepared to preside over many matters in the civil division because, quite frankly, they have little to no experience. I still remember a newly-minted Judge asking me how to proceed in a landlord tenant matter because he was not familiar with the law. It was a flattering, but unnerving, experience. Jennifer Barrett has spent her entire career in a state's attorneys office. This does not prepare her to handle matters such as partitions, landlord tenant matters, or medical malpractice claims, all of which would fall under the civil division.

Finally, you've undoubtedly heard about Ms. Barrett's husband, Lewis Hatch. Mr. Hatch has a long history of engaging in illegal and discriminatory conduct. In fact, he was terminated from the Vermont State Police for such conduct. When he appealed the termination, Ms. Barrett was by his side. While I do not believe that one should be held accountable for their partner's actions, at some point, one's continued public support of the individual is also expressly supporting and agreeing with such actions indicates a bias and agreement with such actions. There is no place for racist, discriminatory beliefs in Vermont's Courts.

I know I'm not the only attorney expressing concern over Ms. Barrett's appointment. I hope the Committee will take all concerns seriously and preserve the integrity of the Vermont Judiciary and the Bar's confidence in the Bench.

Thank you for your time. Should you have any questions, please do not hesitate to ask.

Regards,
Sam

[Samantha L. Snow, Esq.](#)