

13. Please describe your professional experience in each of the following legal arenas: family, civil, criminal, probate, juvenile, municipal, environmental or other. Include a description of any legal specialties you possess.

Family: I have represented individuals in all aspects of family legal matters, including representing individuals in family and child support courts. From 1990-2003, my practice included a significant number of clients involved in family court matters. At Martin & Paolini (1990-1993), I handled divorce and child support matters primarily in Washington Family Court. At Hoff Curtis, prior to taking on the Serious Felony Contract (1993-2003), I continued to handle a significant number of family court matters. I have consistently represented individuals in Family Court Relief from Abuse matters, as these clients have concurrent criminal matters.

Civil: At Martin & Paolini (1990-1193), I handled civil matters for individuals, including contract disputes, real estate matters, collections and personal injury claims. At Hoff Curtis, prior to taking on the Serious Felony Contract (2003), I handled various civil matters, including representation on Vermont subcontractors, collections and personal injury. After taking on the Serious Felony Contract (2003), I significantly reduced my case load of civil matters, although I still represent a limited number of clients on civil matters. I have consistently represented individuals in Civil Court Relief from Abuse matters. In addition, I both represent individuals, and provide expert testimony, in Post-Conviction Relief matters.

Criminal: While still in law school, I prepared and argued two criminal appeals before the Vermont Supreme as a legal intern at the Vermont Attorney General's Office. Upon graduation from law school and admission to practice, I held a one year position at the Vermont State's Attorney's and Sheriff's Department, preparing appellate briefs and arguing those cases before the Vermont Supreme Court. From 1990-1993, I prepared appellate briefs and argued cases before the Vermont Supreme Court pursuant to a conflict contract with the Vermont Defender General's Office. In addition, from 1990-1993, I represented private clients in all aspects of criminal matters, primarily in Washington County. In 1993, I began working at Hoff Curtis primarily representing individuals in criminal court pursuant to a conflict contract with the Vermont Defender General's Office. In addition, I represented private clients charged in criminal court, primarily in Chittenden County. In 2003, the Vermont Defender General awarded me a newly created "Serious Felony Contract". Pursuant to this contract, I have represented a significant number of individuals charged with "serious felonies", primarily charges that carry the potential for a life sentence. These included many homicides, sexual assaults and other violent crimes. In addition, since 2003, I have continued to represent individuals throughout the state who are charged with criminal offenses. I have represented individuals in every county, as well as individuals charged in federal court. I currently hold two contracts with the Defender Generals Office to handle conflict case: The Serious Felony Contract, and a Chittenden County Conflict Contract.

Juvenile: From 1993-2003, I represented individuals in juvenile court pursuant to a contract with the Vermont Defender Generals Office. Pursuant to this contract I represented parents or juveniles in CHINS, Delinquency and TPR cases. I have also volunteered to act as a Guardian Ad Litem on occasion

throughout my legal career. In addition, I have throughout my career represented private clients (parents or juveniles) in juvenile court. I currently represent an number of individuals in juvenile court, and in addition, supervise a part-time attorney who handles the Chittenden County Juvenile Conflict Contract.

14. Nearly 100%. Almost all of my clients are facing a criminal charge in either state or federal court. In most cases I represent them at all stages of the process, including initial appearances, arraignments, motion hearings, trials, post-trial motions and sentencings. While there is a substantial amount of work performed outside of the courtroom (investigations, client meetings and settlement conferences with prosecutors, for example) almost all of these tasks are performed with an eye toward litigation.

18.

a.

I taught paralegal studies as an adjunct instructor at Burlington College for one semester. Over the years, I have been a presenter at various CLE's for the Vermont Defender General or the Vermont Association of Criminal Defense Attorneys (VTACDL). Most recently, I presented at Defender General seminar on probation violations and another on suppression motions. As President of VTACDL, I organized a daylong seminar that include a presentation by Prof. Sequina on Racial Bias in Policing. I have presented as a guest speaker at a Vermont Law School trial practice class on Cross Racial Eye Witness Identification. I presented as a guest speaker to a high school class on the role of a defense attorney in the criminal justice system. I acted as a judge for a high school moot court (2014).

b.

I was the managing partner of Hoff Curtis, P.C. from 2012-2016. The firm employed up to five attorneys and five support positions during the time of my management. I am currently the sole owner of Hoff Curtis, P.C. and manage all aspects of the firm. I supervise one staff member and two part-time attorneys.

c.

While I have not formally participated in mediation, arbitration or other dispute resolution, I have actively negotiated the resolution of a high volume of criminal matters.

D.

State v. Catsam: A Clarification of Evidentiary Standards in Vermont Child Sexual Abuse Cases, 12 Vt. L. R. 2 (1987)

Living without Principles: State v. Brunelle and the Vermont Supreme Court, 13 Vt. L. R. 1 (1988)

I have, from time to time, contributed to the newsletter for the Vermont Association of Criminal Defense Attorneys.

43. Why do you want to hold the judicial position for which you are applying?

After nearly thirty years of being engaged in the private practice of law, I believe that I can make a contribution in a different and perhaps more significant manner as a judge. While I have the firm conviction that representing individuals charged with criminal offenses is a worthy and important endeavor, I believe that my experience and knowledge would allow me to act efficiently and fairly as a judge. My interest and passion for criminal defense comes from a deep and abiding desire to assist individuals at a time of acute stress. I have always believed that the best way to help is to try and understand the complex and diverse psychological, societal and familial forces that are at play in any given case, as well as what the different stakeholders in the case would accept as a just and reasonable resolution. While a competent criminal defense attorney must be a skilled litigator, he or she must also be able to negotiate with prosecutors, as well as understand that any negotiated settlement must satisfy the judge assigned to the case.

My extensive courtroom experience has provided me with a firm understanding of the rules of evidence and procedure. I have had the opportunity to be in the courtroom and in trial with many skilled attorneys and judges. I believe that my temperament would be well suited for the courtroom, where I believe all should be treated with fairness, courtesy and respect.

I believe that Vermont is a unique place, especially in these challenging times. I believe that as a judge, I could try to ensure that individuals are treated with respect and dignity. Having represented thousands of individuals facing criminal charges, which can be a period of crisis and high anxiety for both the client and his or her family, I understand that the demeanor and attention of the judge is of critical importance. Whatever an outcome of a particular case, litigants, their families, and the public need to believe that they all were treated fairly and respectfully.

I have a strong conviction in the rule of law as a way of insuring fundamental fairness and equality. I want this position because I believe that I could contribute in a positive way as a judge.

44. Please describe a legal case or experience that has a special significance in shaping you as a lawyer, as a person, or both, and explain why.

I represented a mother charged with sexually assaulting her own daughter. A review of the file included a local "expert" pediatrician telling the investigating officer that the case was a "slam dunk." In addition, the prosecuting attorney approached me early on and said "how can you even think of going to trial on this case." My client professed her innocence and I began to investigate the case, which included allegations of misconduct in Vermont and England, with most of the witnesses now living in California. There was extensive documentation and evidence that needed to be reviewed and evaluated. Depositions needed to be taken in California, Vermont and Rhode Island. Only through a careful review of the prior recorded statements of the complaining child witness did I discover that the transcripts of the recordings had major errors in them that, when corrected, provided a significant basis to argue that prior statements had been influenced by well-meaning, overprotective parent. No one else, the investigating officer, the prosecutor or anyone else involved in the case, had discovered these discrepancies in the transcripts. This discovery and other work on the case, leads to a hung jury at a first trial, and ultimately an acceptable resolution for my client in the midst of a third trial.

The case reinforced the idea that there is no replacement for diligent investigation and review of evidence. The case presented a complexity and intensity that required a high level of attention, diligence and preparedness. My work on this case has informed my work on every case since.

45. Please describe a personal experience that you believe will influence your ability to serve as a successful judge and why?

I would point to four things:

1. Being my mother's child: My mom was the embodiment of fairness and equality. From her roots as a school teacher in New Jersey, and then an inner city guidance counselor and finally a Guardian ad Litem in the Vermont Courts, she worked tirelessly to achieve justice for all she encountered. She was a woman of strong conviction and with a keen sense of what is right and wrong. I watched her work as an advocate for the disadvantaged and disenfranchised.
2. Moving to Vermont: I moved to Vermont in 1979 to attend UVM. I left suburban New Jersey and discovered a place where I could find my own identity, my own place in the world. Leaving home, and leaving New Jersey, allowed me to figure out who I was and what I wanted to do with my life.
3. Working in Restaurants and Bars: From my freshman year at UVM (1979) until I graduated from law school (1988), and then even a short sabbatical from practicing law (1994), I worked in the bars and restaurants.
4. At a somewhat advanced age for doing such things, I have recently become the father of four beautiful (if I do say so myself) children. They are ages 3, 7, 9 and 10. This experience has left me with a deep and profound sense of purpose and duty. I believe that parenting young children will profoundly influence my work as a judge. In all cases, I will strive to ensure that justice and fairness prevail and that families are in the best possible position to support each other and their children, our hope for the future. Law, at its essence, ensures that our society supports our citizens to be at their best and provides a voice to those most in need of protection and advocacy.

46. Please describe your experiences working with diverse populations.

Both of my parents are children of immigrants. Through my grandparents, I experienced the diversity and multi-culturalism of New York City. Growing up in central New Jersey, I lived, went to school and worked in communities with diverse populations. As an attorney, my practice has concentrated on criminal defense in Chittenden County. A disproportionate number of criminal defendants in Chittenden County come from diverse populations. I have represented many individuals of color, recent immigrants, members of the LGBTQ+ community and individuals with disabilities, both physical and emotional. I have represented numerous clients with significant mental health and psychiatric issues.

As an attorney, I have litigated issues regarding racial bias in policing and cross racial misidentification. I have also handled multiple insanity cases, and many cases involving mental health defenses and mitigation.

47. What do you see as the primary issues facing the judiciary today? What would you propose to address or resolve the issues you've identified?

I believe the primary issues facing the judiciary today relate to the volume of cases and the lack of resources to adequately address them. From the perspective of a litigation attorney, the judiciary appears to be stretched thin and struggling to keep up with the number of cases that need to be resolved. The criminal and family court dockets appear to be inundated with cases related to the ongoing opiate epidemic.

I would propose a more proactive approach by judges to work with county prosecutors and defense attorneys to find ways to resolve cases prior to litigation. In my experience, most criminal and juvenile cases resolve, but all too often after using up valuable and scarce judicial resources.

48. Please describe any administrative and managerial experience that would make you a successful Superior Court judge.

As managing partner of Hoff Curtis for five years, and now sole owner of Hoff Curtis for the last two years, I have the experience of running a small business and managing employees. As lead attorney on major and complex homicide cases, I have coordinated the investigation and trial preparation, which included supervision of other attorney, paralegals and investigators.

49. Reflecting on your career to date, which individual has had the most profound impact on your work and why?

Hon. John Pacht, Superior Court Judge. As a young attorney, I joined Hoff Curtis in Burlington. While the firm had many experienced and talented attorneys, I gravitated toward Judge Pacht. I ended up practicing law with him for over twenty-five years before his appointment to the bench. He taught me that representing people was much more than understanding their legal case. He showed me that each and every client had a life story to tell and telling that story was as important, or perhaps more important, than the legal issues presented by the case. In short, the heart of practicing law is understanding the people and their struggles, while trying to tell their story.

50. What makes you well qualified to hold the position you are seeking?

Without reiterating what I have stated above, I believe I possess the qualities and experience to treat people with the dignity and integrity that they deserve. My over 30 years of representing individuals in all sorts of matters, often in times of crisis, has educated me in what it takes to be present and thoughtful for individuals in a time of need. I see judges as ones that need to be that person that can hear and see them in their time of need. My experience with my clients informs me that litigants need to be seen and heard.

52a. In the space below, please explain why you selected this writing sample.

This motion is from a case that went to trial three times. The first trial ended in a hung jury. The second trial ended with a conviction, although I believed that fundamental error occurred during the trial. Thus, I filed the Motion for New Trial that I have submitted for your review. The trial court granted the motion, a quite rare occurrence in my experience. The third trial ended when my client agreed to a resolution in the middle of trial.

I have submitted this motion as it demonstrates my ability to write in a clear and persuasive manner. Convincing a trial judge, in writing alone, that he has committed an error during the course of a serious felony trial that resulted in conviction is no small task. The trial court would understand that granting the motion would require a new trial in which a child witness would need to testify (for the third time) and that if he denied the motion the defendant could always appeal to the Vermont Supreme Court.

