

January 27, 2026

Senate Judiciary Committee
Sen. Nader Hashim, Chair
Sen. Robert Norris, Vice Chair
Sen. Tanya Vyhovsky
Sen. Philip Baruth
Sen. Christopher Mattos, Clerk

Via Electronic Delivery

To the Senate Judiciary Committee,

The Executive Board of the Vermont Association of Criminal Defense Lawyers (VTACDL) wishes to communicate its opposition on behalf of VTACDL to Governor Phil Scott's nomination of Christina Nolan and Michael Drescher to the Vermont Supreme Court.

Our organization's bylaws note that the purposes which guide the work of VTACDL include the following:

- Protect the individual rights of the citizens of the state as guaranteed by the Vermont and United States Constitutions, including most particularly, the right to counsel;
- Enlighten the public as to the point of view of criminal defense lawyers; and
- Maintain the integrity and independence of criminal defense lawyers;

As defense lawyers, we are constantly reminded about the vast power and discretion exercised by the state and federal governments in their decisions about who to prosecute and under what circumstances to do so. In our view, former acting US Attorney Michael Drescher's pursuit of the federal administration's persecution of Rumeysa Ozturk and Mohsen Mahdawi, lawful US residents, should be disqualifying for a position on Vermont's highest court for at least two reasons. First, the actions of the federal government with respect to these individuals, and Attorney Drescher's continued pursuit of the administration's aims in the face of their facial illegality, are unjustifiable. Second, for Attorney Drescher to liken his role as US Attorney in the pursuit of this illegality to a defense attorney being blamed for his client's crimes betrays a deep misunderstanding by this prosecutor nominee of the role of the criminal defense lawyer in our system of criminal justice. Criminal defense lawyers zealously represent and defend the constitutional rights of our clients not only to protect their interests, but the interests of the citizenry writ large, by acting as a check against the awesome power of the government. Likening a voluntary decision to pursue the unlawful and politicized aims of the federal government to a defense attorney's legal and ethical obligations to their client is an inaccurate and unacceptable characterization of the important work that we do. This disconnect is troubling and raises substantial concerns about the perspective Attorney Drescher would bring to the State's highest court.

Nominee Christina Nolan presents strikingly similar concerns. Attorney Nolan was selected by President Donald Trump to the U.S. Attorney for the State of Vermont for the bulk of his first term as president. By accepting that role, Attorney Nolan agreed to pursue

President Trump's executive agenda and policies. These policies have led to illegal deportations, as outlined above, and are now escalating to murder. The Vermont Supreme Court, as mandated by our Federal and State Constitutions, has a lengthy history of protecting individual rights against improper government overreach in the context of criminal defense. It has properly and bravely interpreted the Vermont Constitution to be more protective than its federal counterparts. Attorney Nolan's career in federal prosecutions, including the decision to be U.S. Attorney under President Trump, raises concerns as to her ability to properly interpret and implement Vermont's constitutional protections. Attorney Nolan's allegiance to the federal government's approach to the law is not fair to Vermonters.

The first Canon of the ABA Model Code of Judicial Conduct is simple: "uphold integrity and independence – judges must personally observe high standards of conduct to maintain the integrity and independence of the judiciary." Attorneys Nolan and Drescher immediately fail this mandate. Neither candidate can maintain the integrity and independence of the judiciary when their careers leading up to this point have so solidly displayed disregard for our State and Country's highest constitutions.

VTACDL asks the Senate Judiciary Committee to show its commitment to the rights of *all* United States citizens in a time where our other branches of government continually scoff at its separate but equal counterpart: the judicial branch. We respectfully urge you to block the appointments of Attorneys Nolan and Drescher to our state's most prestigious court.

Very Truly Yours,
The Vermont Association of Criminal Defense Lawyers (VTACDL)