

Paul J. Van de Graaf

61 Nod Hill Rd
Wilton, CT 06897
802-233-4859

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Dear Mr. Hashim,

My name is Paul Van de Graaf. I recently retired from the United States Attorney's Office in Vermont after a 38-year career with the Department of Justice and moved to Connecticut to be closer to our grandchildren. (We lived in South Burlington for 33 years.) I served in a variety of leadership roles in the Office, including Criminal Chief, Civil Chief, and First Assistant United States Attorney. I was Acting United States Attorney at the beginning of the Obama Administration. During my final seven years in the Office, I served as Senior Litigation Counsel. I investigated and prosecuted many criminal cases, including a series of fraud cases important to Vermonters, from the bank frauds of the early 1990s to the Fletcher Allen expansion fraud in the early 2000s to the Jay Peak EB-5 frauds a few years ago. While I never got involved in politics, I had the opportunity to examine and appreciate the intersection of law and politics. Throughout, I remain a believer in the rule of law and the importance of seeking to justly and fairly apply the law in society.

I write in support of the appointment of Michael Drescher to the Vermont Supreme Court. I have followed a bit of the press coverage of the process and offer my perspective on Mike's work and character. I know him and his work well. Like me, he believes in the rule of law and its importance to Vermonters. He has the right appreciation of the law for a Vermont Justice.

I have known Mike since he was hired in the United States Attorney's Office. I served as his supervisor for many years. Soon after he started in the office, he became my partner in one of the most complex investigations handled by the Office, the investigation and prosecution of the top corporate officers of Fletcher Allen Healthcare for defrauding the State of Vermont. Mike's work on the Fletcher Allen case exemplified the kind of service he performed over the years to Vermont. He was dedicated and careful, putting aside the various political issues swirling around the investigation to reach a fair and just prosecution. Later, Mike played a significant role addressing the opiate epidemic as the Office attempted to help Vermont address a new and dangerous health and safety problem. Mike regularly balanced with care and ease the competing forces of punishment and treatment. He tempered justice with mercy, just as you would want him to do as a Justice. I'm sure you've also heard about his work doggedly pursuing Purdue Pharma at Owen Foster's side. I trust you have talked with Mr. Foster, but I saw how the two of them, along with Ms. Nolan, took on a Goliath with a rock and sling, having a significant impact on the lives of thousands of Americans.

Mike enjoys wrestling with challenging legal issues. He always displayed a keen interest in and skill at appellate writing. Put simply, he loves the law; he listens to U.S.

Supreme Court oral arguments for fun. That's just the kind of commitment to the rule of law that has served Vermonters well while Mike was an AUSA and would serve Vermonters well with Mike on the Supreme Court. No one could doubt his qualifications for the Court.

Based on the press, it appears that some have raised questions about Mike's work during this first year of the second Trump administration. Mike inherited the job of running the Office after Kolo Kerest resigned following the recent election. I greatly appreciated his efforts to keep the office moving forward through rough winds and waters. He was focused on keeping the Office out of politics and following the rule of law. Mike's leadership helped maintain calm among the employees.

As you know, several immigration habeas cases were brought in Vermont federal court, including two that garnered significant attention. Some may believe that Mike's work on these two matters disqualify him from confirmation to the Court. I hope that you will not agree. Mike could have stepped down from being First Assistant. That would not have helped the Office and by extension its work on behalf of Vermonters. He could have resigned in protest. That would have done nothing. Our Office did not have discretion about the positions that the client took, and electoral changes mean policy changes. I'm sure that the judges who decided these difficult cases would tell you that Mike handled himself with tact and fairness in this litigation, arguing positions crafted by Washington. These positions would have been offered in Vermont federal court no matter what. In any event, an attorney's nomination to a court should not turn on the views or directions of his or her clients in prior matters. Finally, Mike could have easily avoided speaking in Court regarding these fraught matters to avoid personal controversy. Instead, he stepped into court so that other AUSAs could avoid the spotlight and the crossfire. This is precisely the kind of character and leadership Vermonters should want in a Justice.

Supreme Court cases often require judges to make difficult decisions, decisions with which some will disagree. The disagreement by many with the litigation position taken by the Department this year should not hurt Mike's nomination. Mike's work as First Assistant exemplifies his excellent character. His decision to appear in the two major habeas cases should be a mark in his favor rather than a mark against him.

If you have any questions for me, I'd be glad to discuss my thoughts over the phone.

Sincerely,

Paul Van de Graaf
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