As a Vermonter engaged in the legal system for the past 49 years (42 years as a practicing attorney), I now join the chorus urging the Judiciary Committee and the full Senate to vote no on the confirmation of the two pending nominations to the Vermont Supreme Court. Vermont has provided me with the great opportunity to become licensed through its reading law program, as was your committee chair.

I was employed by the State for over 35 years. I was defender general for over eight years and then was executive director and counsel to the Human Rights Commission for over ten years before becoming a private practitioner. I spent many hours in your committee testifying on a wide range of bills.

I have practiced in both state and federal courts, Thus, I am well aware of the distinctions between the values and procedures in both. Federal criminal procedure does not provide defendants with the wide-ranging discovery the Vermont does. As you know, the Vermont Supreme Court has a long and proud history of protecting individual privacy rights absent in federal criminal decisional law. In doing so, the Vermont Supreme Court has relied on provisions in our state constitution not found in the U.S. Constitution.

Both nominees have spent the bulk of their legal careers in leadership positions within the U.S. Attorney's Office which must adhere to the directives of the U.S. Department of Justice (DOJ). Obviously, DOJ has now been "weaponized" by the current (and former) president. President Trump in his now second term has decided that court orders and the constitution do not apply to his administration.

It is important to note that neither nominee has litigated in Vermont state courts. In my view, Vermont trial court experience is a prerequisite for state justices. The supreme court justices are solely responsible in deciding whether or not the Vermont trial court judges followed the state constitution, statutes and procedures. Such appellate assessment results in either affirmance or reversal.

Both associate justice nominees continued to pursue unconstitutional actions rather than resign as many other similarly situated DOJ lawyers did. This willingness to perform tasks with the knowledge that those tasks are illegal under well established precedent makes the nominees unfit to sit on the state's highest court.

The VT Chapter of the National Lawyers Guild endorses this message. Thank you for your time, service and consideration -Robert Appel.