

Christina E. Nolan
January 26, 2026

Senator Nader Hashim
Chair, Senate Committee on Judiciary
Via Email

Re: Associate Justice Application – Follow-up Questions Regarding State Experience

Dear Senator Hashim:

I write in response to your email of January 24, 2026 seeking greater detail about my Vermont State Court experience. Thank you for the opportunity to provide you and your committee with more information about my state court and state law practice. Below I have taken you up on your offer to elaborate about hearings and work I have performed in our state legal system over the course of my five years in private practice beginning in early 2021 (Part I) and provided answers to each request from your email in a mirror image list format (Part II). All of this information is provided to the best of my recollection and

I. Overview of My State Experience

First, I respectfully ask that you treat this letter as a supplement to the detailed oral and written answers I gave elsewhere in the application process. Those answers contain information about my experience in state courts in Vermont and Massachusetts, all of which I will not attempt to reiterate in this letter.

As we have previously discussed, for the last five years, I have been representing clients as a criminal defense attorney and civil litigator in the Vermont Superior Court. My practice as a litigation partner at Sheehey Furlong & Behm has taken me to Superior Court appearances in no fewer than eight of our counties (Windham, Windsor, Orange, Addison, Rutland, Lamoille, Washington, and Chittenden). I have appeared repeatedly in each of the Superior Court's Criminal, Civil, Probate, and Family Divisions and have handled cases adverse to the Vermont Attorney General's Office and local prosecutors and private attorneys located throughout our state. Moreover, I have been a lead trial attorney on two civil matters (one time as plaintiff's counsel, one time as defense counsel) that settled on the eve of scheduled jury trial in a manner very favorable to my clients.

On the plaintiffs' side, I have litigated in state court on behalf of crime survivors, including child and adult victims of sexual assault, human trafficking, elder abuse, and fraud; workers who have suffered discrimination, retaliation, and harassment; students who have suffered discrimination and sexual assault; tenants treated unfairly in housing; individuals,

including one human trafficking victim, seeking expungement of convictions; victims of elder financial and physical abuse and their families; individuals seeking relief from abuse and anti-stalking orders; construction litigants; mental health evaluation petitioners; and others. I have also represented parties in guardianship and estate litigation matters in the Probate and Family Divisions and I have worked on highly complex CHINS matters in the Family Division. Further, I have repeatedly advocated for survivors in Title IX proceedings, including in one matter occurring on a Vermont campus.

On the defense side, my clients have ranged from individuals charged with felony and misdemeanor crimes; to Vermont small businesses and industry leaders; to a wide variety of professionals in the medical, legal, mental health, and human services fields; to Vermont organizations and entities who sought my help conducting a neutral and objective internal investigation into potential wrongdoing within the workplace – and beyond.

As to the trials, I represented a plaintiff who brought a variety of highly complex state law claims in Vermont Superior Court arising from a dispute within one of Vermont's leading industries. The defense settled on the eve of jury trial – following a preview of some of my trial strategy and motions *in limine* – for the *full amount of plaintiffs' damages plus much of plaintiffs' attorneys' fees*. In another matter, I defended two medical professionals against highly complex and emotionally charged Vermont civil claims. That case – which was filed in federal court due to its multimillion-dollar value and the diverse citizenship of the litigants – also settled on the courthouse steps following the filing of substantial pretrial motion practice, including motions *in limine*, *Daubert* motions, and other defense briefing.

I have had several additional such federal diversity and subject matter jurisdiction cases – that is, high-value cases brought in whole or in part under Vermont law but filed in federal court because one party resides outside Vermont or the state law claims relate closely to additional federal claims. One of these matters involved representation of the family of the victim of elder abuse; another involved representation of a child in a protected class who had suffered bullying, harassment, and discrimination at school. Several more have involved litigation for plaintiffs and defendants under related federal and state employment discrimination causes of action. I will count my experiences in these federal cases in this response, where appropriate, because they involved complex litigation under our state civil laws and jurisprudence.

As to Vermont appellate litigation, I served as lead attorney on one plaintiffs' appeal filed with the Supreme Court of Vermont. We won that appeal before the three-Justice panel, which unanimously reversed the trial court's ruling against us following a bench trial in an anti-stalking proceeding. That case is currently on remand to the trial court, following the Supreme Court's denial of the opposing party's motion for re-argument.

I appreciate this opportunity to also tell you about an aspect of my practice we have thus far had less time to discuss, namely, my many appearances and interactions before Vermont professional boards and government agencies in administrative proceedings. In particular, I have

represented clients in proceedings brought by the following Vermont agencies and regulatory bodies: Office of Professional Regulation, Professional Responsibility Board, Human Services Board, Department of Labor, and the Medical Board. I have also handled one matter from start to finish, including the merits hearing, before the Vermont Human Rights Commission; represented at least two clients in matters adverse to the Vermont Medical Examiner; and handled Vermont public records requests and litigation for several clients.

II. Responses to Your January 24 Email List

You asked me to list approximately how many times I have participated at the state level in certain types of hearings and representations. I have done so below. Per your instructions, throughout this letter, I have provided responses according to my best memory and approximation. Please note that numbers for the categories you identified in your January 24 email would not, in and of themselves, fully capture the extent of my state criminal defense experience because they would not reflect the numerous occasions in which I prevailed on prosecutors – oftentimes after substantial and lengthy advocacy – to forgo charging my client altogether or to refer that client to pretrial diversion and/or restorative justice programming short of arraignment and the formal filing of charges. For the sake of completeness, I have **added that category to your original list in bold**.

1. Bail/HWOB Hearings
Two.
2. Arraignments
Six.
3. **No arraignment or other hearing because I reached pretrial diversion resolution or convinced prosecutor not to charge.**
Eight.
4. Merits Hearings
Forty.
5. Competency Proceedings
None that I can recall in state court. During my seven years as a federal prosecutor, I dealt with competency proceedings on numerous occasions, including serving as lead attorney in multiple competency merits hearings.
6. Contested Motion Hearings
Sixteen.
7. Relief From Abuse (RFAs)

I have handled approximately twelve separate RFA merits hearings.

Note also that I have handled about eight merits hearings in anti-stalking petition cases in the Civil Division and four guardianship merits hearings in the Probate and Family Divisions.

8. Parental Rights/Responsibilities Hearings

I have handled approximately four CHINS merits hearings in the Family Division. Those matters also involved significant substantive motion practice.

9. Sentencing/Change of Plea Hearings

Three.

10. Trials

Three resolved by eve of trial/pretrial settlement. As discussed in Part I, I settled one civil jury trial in Vermont Superior Court on behalf of a plaintiff for full damages plus an attorney's fees award following a preview of my trial strategy and motions in limine. A federal case involving Vermont state claims also reached settlement on the eve of jury trial following the filing of motions in limine on behalf of our clients, who served in the medical profession. I also settled a criminal case in Addison County for a deferred sentence following the filing of numerous pretrial motions, including motions in limine, a motion to dismiss, and a motion to suppress. I do not believe that that case had been set for trial at the time it settled but it had been on a trial schedule prior to the filing of my pretrial motions.

Please note that, as a state prosecutor in Massachusetts and as a federal prosecutor in Vermont, I have tried at least a dozen cases to conclusion before juries. As a state prosecutor, I tried more bench trials than I could keep track of. I would estimate that I had a bench trial as a state prosecutor at least every other week.

The more than two dozen RFA, anti-stalking, guardianship and CHINS merits hearings I have handled constitute litigation experience akin to bench trials. The judge served as trier of fact and the rules of evidence applied at these hearings, which involved numerous witnesses and opportunities for direct and cross examination.

11. How many clients have you represented exclusively in state court?

Forty or more.

12. How many clients have you represented in cases that intertwined between state and federal court?

I have represented clients in federal subject matter and diversity jurisdiction cases involving Vermont claims and defenses in at least five cases. It would be difficult to estimate the number of cases I have handled in private practice with clients who had parallel or related state and federal criminal matters, but I have had to negotiate that dynamic on numerous occasions in private (and public) practice, particularly in my work as a federal criminal defense attorney.

13. Lastly, please list the approximate number of appeals you've done in the Vermont Supreme Court, including anything that's been on the "rocket docket."
One. I recently won an appeal of a trial court's denial of an anti-stalking order before the three-judge panel of the Vermont Supreme Court (the "rocket docket").

Please note that this list does not capture my experience representing clients before the Vermont Human Rights Commission, where I recently prevailed in a merits hearing, nor does it include my extensive work representing clients adverse to several of Vermont's administrative agencies and regulatory bodies (see Part I).

Lastly, as I have previously shared, my broad and deep legal experience across a variety of practices over the twenty-five years since I attended law school – serving on the Boston College Law Review, as a federal law clerk, as a state prosecutor, as a federal prosecutor, as the U.S. Attorney for Vermont, as a state and federal appellate litigator in complex cases, as a civil litigator, and as a criminal defense attorney – has given me an intimate knowledge of the innerworkings of our courtrooms and the requisite research and writing skills to sort through even the most complex issues of Vermont law. Of no less importance, I would bring the vision from all sides of the courtroom, and a well-rounded, "from the ground" perspective to the Vermont Supreme Court if you honor me with confirmation.

I thank you again for the opportunity to provide additional information for the consideration of the Judiciary Committee and the full Senate. Should you have any additional questions, I would welcome the opportunity to address them in person or in writing.

Sincerely,

/s/ *Christina E. Nolan*