



College of the Holy Cross, 1994-1998, B.A.  
Oxford University, 1996-1997, Junior Year Abroad (no degree).  
Yale Law School, 2000-2003, J.D.

8. Academic honors at the college or law school level, if any:

College of the Holy Cross: Magna Cum Laude; Phi Beta Kappa; George Bernard Shaw Award.

9. If you clerked for admission to the bar instead of attending law school, please state the dates and for whom you clerked.

N.A.

### **PROFESSIONAL ADMISSIONS**

- 10a. List all courts (including state bar admissions) and administrative bodies having special admission requirements in which you are presently admitted or have previously been admitted to practice, giving the date of admission in each case.

State of New York (2004)  
Second Circuit Court of Appeals (2007)  
District of Vermont (2007)  
Northern District of New York (2007)  
State of Vermont (2011)  
Southern District of New York (2021)  
Eastern District of New York (2021)  
Commonwealth of Massachusetts (2004); I did not practice in Massachusetts and therefore relinquished this license while I was an AUSA.

- 10b. Has your license to practice in any jurisdiction been suspended, revoked, or limited at any time? If so, please provide the date(s) and circumstances that led to such action.

No.

### **EMPLOYMENT HISTORY**

11. Please list below, or include an attached resume or curriculum vitae that lists all legal jobs you have held since being admitted to the bar, including name and location of the employing or contracting entity(ies), dates of employment, and title(s).

Please see attached resume.

12. Please list below, or include an attached resume or curriculum vitae that lists the name and location of employing or contracting entity(ies), dates of employment, and title(s) held for any other full-time employment since graduation.

Please see attached resume.

### **LEGAL EMPLOYMENT AND EXPERIENCE**

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.

**Criminal:** A significant portion of my professional experience has been in criminal law. At Skadden Arps, I was a member of the white collar criminal defense practice group which represented individuals and institutions facing criminal investigation or prosecution by DOJ and state authorities.

As an AUSA in the District of Vermont, I practiced almost exclusively criminal law although some of my white collar prosecutions also had a civil enforcement component. I prosecuted a wide variety federal matters ranging from child exploitation, firearms, controlled substances, bank robbery, and business/white collar crime.

Since re-entering private practice at DRM, I have maintained a criminal law practice. I represent individuals and institutions being prosecuted by DOJ and state entities, including the Vermont Attorney General's Office. The majority of this work is business/white collar, however I have also represented individuals facing prosecution for alleged criminal activity such as assault, trespass, and larceny. I also conduct internal investigations on behalf of private and public institutions, as well as state entities.

**Civil:** At DRM, at least half of my practice is devoted to civil litigation, the bulk of which occurs in Vermont Superior Court. This includes a wide range of commercial litigation, class action lawsuits, Vermont Consumer Protection Act lawsuits, anti-trust, professional licensing, and torts. In addition to defense work, I maintain a plaintiff's practice that includes qui tam matters, personal injury, and representing individuals who have been the victims of sexual abuse.

**Environmental:** My civil litigation practice has included several environmental cases in both state and federal court. These matters have primarily involved environmental torts.

**Probate:** I do not have experience with probate matters.

**Family:** As an attorney, I do not have experience with family matters such as divorce or custody disputes. On a fairly regular basis, however, I do represent individuals (on both the plaintiff and defense side) in the Family Division on anti-stalking and relief-from-abuse matters. Also, as described in more detail below, I volunteered for several years as a guardian ad litem, which provided me a good deal of experience in a variety of family matters, including custody disputes.

**Municipal:** Some of my civil litigation practice has involved municipal matters as DRM does represent municipalities in certain cases. I have also benefited from a crash course in municipal law through my role as an elected member of the Burlington City Council where I am involved in decision making on a wide range of municipal matters including contracts, torts, ordinance and charter changes, tax policy and housing.

**Juvenile:** I have represented minors in tort actions as well as anti-stalking and relief-from-abuse disputes. Also, through my volunteer work as a guardian ad litem, I was intimately involved in a number of cases involving juveniles, most often in custody disputes or CHINS matters. I would spend a good deal of time with the child to whom I had been assigned as well as his or her guardians. I would work with counsel for the child and, depending upon the case, counsel for the guardians. I regularly attended court hearings and provided the court my observations and assessment on what would be in the best interests of the child. Although I was not acting in my capacity as an attorney, this work did provide me the opportunity to learn a great deal about this area of the law.

**Specialties:** My areas of specialty are complex civil litigation, white collar criminal defense and internal investigations.

14. During the past ten years what percentage of your work experience has involved litigation, including motions, hearings, appellate arguments, administrative hearings, trials, and other contested hearings? Please briefly describe the role you played in the litigation.

Essentially all of my work experience in the past ten years, and throughout the entirety of my legal career, has involved litigation. As an AUSA, I was in court on a weekly, if not almost daily basis, trying cases, handling contested evidentiary hearings, such as motions to suppress, and litigating sentencing disputes. AUSAs in the District of Vermont also handle their own appeals, so I regularly appeared before the U.S. Court of Appeals for the Second Circuit for appellate arguments.

Sometimes this litigation involved multiple AUSAs and I served in a first-chair or second-chair capacity. More frequently, however, I was the sole attorney responsible for the litigation.

Since re-entering private practice, I have handled multiple hearings in Superior Court, including motion practice in civil litigation, some criminal, and miscellaneous matters, such as relief-from-abuse/anti-stalking cases. I continue to regularly appear in hearings before federal courts, including the District of Vermont and the Southern District of New York, in both civil and criminal cases.

I have also briefed and argued an appeal before the Vermont Supreme Court.

15. During the past ten years what percentage of your work experience has involved each of the following:

a.family matters	_____	5%
b.juvenile matters	_____	5%
c.civil matters	_____	35%
d.criminal matters	_____	30%
e.probate	_____	0%
f.administrative	_____	5%
g.municipal	_____	5%
h.environmental	_____	5%
i.other	_____	10%

16. Please estimate how many evidentiary hearings, including trials, you have participated in and briefly describe your role(s).

I estimate that I participated in approximately eight jury trials, all of which occurred when I was an AUSA. During those trials, all of which were criminal, I served as either first or second chair. As an AUSA, I was regularly responsible for handling evidentiary hearings, including motions to suppress evidence and sentencing hearings that involved the introduction of evidence. I estimate that I handled well in excess of 100 such hearings during the decade I served as a federal prosecutor.

Since entering private practice, I have not had a jury trial, although I recently picked a jury in Caledonia County in a sexual abuse/tort case that subsequently settled.

17. Estimate the percentage of your total court time spent in each of the above courts over the last ten years.

a.criminal	_____	34%
b.family	_____	5%
c.civil	_____	35%
d.probate	_____	0%
e.federal trial	_____	15%
f.federal appellate	_____	5%
g.Vermont Supreme Court	_____	1%
h.administrative body	_____	5%
i.environmental court	_____	0%
j.other court	_____	0%

18. Please describe your professional experience in each of the following areas:

- a. academics, including teaching, presentations, seminars

I have provided professional development seminars and presentations in my areas of expertise. For example, at the 2019 VBA Winter Thaw, I provided a seminar, together

with then-Attorney General T.J. Donovan, on the criminal justice system. In 2021, several of my partners and I provided a webinar on trends and white collar enforcement and internal investigations.

- b. management, including business, law firm, human relations, or other

As a partner at DRM, I am extensively involved in all aspects of our firm's management, including the budget, hiring, retention, and mentoring of attorneys, human relations decisions, strategic and business decisions, and advertising/promotion matters.

- c. mediation, arbitration, or other dispute resolution

My civil litigation practice regularly involves mediation and I have participated in many mediations in a wide variety of cases.

- d. writing, including articles, journals, books, etc.

The bulk of my writing in recent years has consisted of white papers and updates in my professional areas of expertise. For example, I have authored pieces on DOJ's Plan to Target PPP Fraud and Abuse, The American Families Plan (AFP) Proposal To Audit Businesses, Equity in the Criminal Justice System, and DOJ Policy Changes on Corporate Cooperation in Civil and Criminal Cases. These are all available via DRM's website.

- 19. If not otherwise described above, please describe why you have sufficient trial or other comparable experience that ensures knowledge of the Vermont Rules of Evidence and courtroom procedure (see 4 V.S.A. § 602(d)(9)).

I believe the answers above provide a fair and comprehensive description of my legal career, which has been predominantly focused on the courtroom. I would only add that, as a law clerk for Judge Sessions in the trial court and then for Judge Hall in the court of appeals, I had the opportunity to observe closely many trials, contested hearings, and appellate arguments. This afforded me the chance to observe many wonderful attorneys at work in the courtroom. It also allowed me to learn from two remarkable judges. These experiences provided me an excellent opportunity—early in my career—to learn the rules of evidence and courtroom procedure.

## **JUDICIAL EXPERIENCE**

- 20. Have you ever held judicial office? If so, please state your position, the name of the court(s) and dates of your service.

I have never held judicial office.

21. Have you ever served as an Acting Judge or Acting Magistrate in the Vermont court system? If so, please state the courts to which you have been assigned, approximate dates and the approximate number of assignments you have had.

I have not served in these positions.

22. Have you ever served as an arbitrator, hearing officer, administrative law judge, or other administrative decision maker? If so, please describe the service and the approximate number of assignments you have had.

I have not served in these positions.

23. Please state any quasi-judicial boards or commissions on which you have served, including the name(s) of the agency(ies) for which you served, the position(s) held, the issues under your jurisdiction, and the dates of such service.

In my capacity as a Burlington City Councilperson, I have served on the Tax Abatement Committee (this year I am Chair) which operates as a quasi-judicial body. Taxpayers who seek tax abatements present arguments and evidence, as does the City itself. The Tax Abatement Committee reaches a decision which is then reported out to the full City Council for a final vote and decision.

24. Calculating all of your judicial or quasi-judicial experience, approximately how many times have you:

- a. prepared a written decision on a contested matter: 0.
- b. issued an oral decision on a contested matter: Approximately 3.
- c. handled motions or other contested proceedings: 0.
- d. conducted an evidentiary hearing or proceeding: Approximately 3.

### **PUBLICATIONS**

25. If you have published any books or articles not identified in response to previous questions, please list them, giving titles, citations, and dates.

N.A.

### **PROFESSIONAL, CIVIL AND PUBLIC SERVICE**

26. If you have experience as a member of any administrative, legislative, judicial, or regulatory boards, commissions, study committees, or agencies, or any private, corporate or non-profit boards, please list them, giving names and dates served.

Other than the boards described here and set forth on my attached resume, I have not served on any additional boards, commissions, committees or agencies.

27. If you have served as an appointed or elected official in any local, county, state, or federal government position, please provide details and dates.

In 2023, I was elected to serve on the Burlington City Council, representing the East District of Burlington (Wards One and Eight). In that capacity, I represent my constituents at the twice-monthly City Council meetings, serve on a variety of committees, and provide general constituent services. My committee assignments have included the following: Tax Abatement; Charter Change; and Public Safety.

28. Please list all Bar associations and professional societies of which you are a member, give the titles and dates of any office which you may have held in such groups, and identify committees in which you were active.

I am a member of the Vermont Bar Association (VBA). From 2011 through 2014, I served on the VBA Board of Managers as the representative from the VBA Young Lawyers' Division (YLD) Executive Board. I served on the VBA YLD Executive Board from 2008-2014.

29. List any honors, prizes or awards you have received, including the name of the award, the organization granting it, and the date of the award.

In 2024, I was listed in Best Lawyers in the category of White Collar Criminal Defense. In 2016, the New England Narcotic Enforcement Officers' Association presented me an Award for Outstanding Contribution, Dedication and Sacrifice in the Field of Narcotic Law Enforcement.

In 2011, the U.S. Drug Enforcement Administration (DEA) presented me an Award for Outstanding Contributions in the Field of Drug Law Enforcement.

30. Please list all other non-profit, community service, or other organizations, of which you have been a board member during the past ten years, including the titles and dates of any offices which you have held in each such organization, and/or any other significant volunteer experience.

City of Burlington, City Councilmember (East District), Present;  
Vermont Bar Foundation, Board of Directors, Present;  
Center City Little League, Board of Directors, 2019-2023;  
Vermont Guardian Ad Litem, 2017-2020;  
Vermont Bar Association, Board of Managers, 2011-2014;  
Champlain Valley Unitarian Universalist Society, Board of Trustees, 2010-2013;  
VBA Young Lawyers' Division, Executive Board, 2008-2014.



## **POTENTIAL CONFLICTS**

31. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service to the Court? If so, please explain.

I do not have any such plans, commitments, or agreements.

32. Do you have any personal or professional relationship(s) which might present conflicts of interest in the position you are seeking? If so, please explain.

As an attorney at Downs Rachlin Martin (DRM), I maintain an active litigation practice. Were I to be appointed, I would have a potential conflict of interest for any matter on which I had previously worked, any matter involving a previous client, and any matter in which DRM represented a party. Also, my spouse is the principal of the Winooski Middle and High School. Litigation involving the school or school district would very likely create a conflict of interest. Finally, litigation involving the City of Burlington could cause a conflict if I had been involved in the matter as a City Councilor.

33. Identify the categories of litigation and financial arrangements that are most likely to present potential conflicts of interest if you are appointed to the position for which you are applying. Include any deferred income arrangements, stock options, uncompleted contracts, and other future benefits which you expect to derive from current or prior professional relationships.

Aside from the areas set forth in my response to question 32, there are no specific categories of litigation that I anticipate creating potential conflicts. At present, I do not have deferred income arrangements, stock options, uncompleted contracts or other future benefits from current or prior professional relationships. Were I to be appointed, I would need to negotiate the terms of my departure from DRM with my partners.

34. Explain how you will resolve any potential conflict of interest including those identified in questions 32 and 33 above.

I would approach any potential conflicts of interest with a commitment to full transparency and seek competent objective legal advice from qualified professionals, including from within the Vermont Judiciary, to ensure that I remained in strict adherence to both the letter and spirit of the Vermont Code of Judicial Conduct, including Rule 2.4. Avoiding even the appearance of impropriety is essential to a well-run judiciary that enjoys the confidence of the public it serves. The resolution of any particular issue would be case-specific, but could include my recusal from a particular matter.

## **MISCELLANEOUS**

35. Have you ever been convicted by federal, state or other law enforcement authorities for a violation of any federal law, state law, or county or municipal law, regulation or ordinance? If so, please give details. Do not include traffic violations, unless it also

included a jail sentence. Do not include expunged or sealed convictions. *Please be advised that the Judicial Nominating Board conducts a criminal background check on every applicant.*

No.

36. Have you ever had a civil judgment against you? If so, please provide details about the case and its disposition. Please also state whether you have ever defaulted on a judgment and under what circumstances.

I have never had a civil judgment against me nor have I ever defaulted on a judgment.

37. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, please give particulars, including the amounts paid.

No.

38. Have you ever been disciplined for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, professional group, or Professional Conduct or Responsibility Board in any jurisdiction? If so, please provide details.

No.

39. Are all your taxes paid? (federal, state and local) current (i.e., filed and paid) as of the date of this application? If not, are you on an approved payment plan?

Yes.

40. Has a tax lien or other collection procedure (including receipt of balance due notices) ever been instituted against you by any federal, state, or local tax authority? If so, please explain and describe the outcome.

No.

41. Have you ever been the subject of any audit or investigation for federal, state or local taxes? If so, give full details.

No.

42. Have you ever declared bankruptcy? If so, give details.

No.

### **JUDICIAL OFFICE QUESTIONS**

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

I decided to become a lawyer because I saw it as a vocation that would permit me to serve my community in a variety of ways. To the best of my ability, I have tried to chart a career path that places public service at the forefront. In my time as a prosecutor, I worked directly on behalf of the public to enforce the rule of law and help protect public safety by holding those who had committed crimes accountable. My responsibility, however, also extended to those people I prosecuted, because I had to guarantee that they received fair treatment in accordance with the requirements of due process. This was a direct form of public service of which I am particularly proud.

Since entering private practice at DRM, I have pursued other forms of public service that either directly or indirectly involve my legal training. These include serving on various boards, such as the VBF, which works to increase access to justice for all Vermonters, volunteering as a guardian ad litem, and serving on the Burlington City Council.

I want to become a Superior Court Judge because I know the position will permit me to continue to serve the Vermont community—which I dearly love—in a uniquely direct and far-reaching manner. By treating parties who appear in Superior Court with dignity, courtesy and respect, by adjudicating disputes expeditiously and fairly in accordance with the law, and by both modeling and fostering collegiality among members of the Bar, I would be in a position to have a tremendously positive impact on the lives of many Vermonters.

Being appointed to the Bench would be the honor and responsibility of a lifetime. I would be prepared to work very hard to become the best judge I could possibly be and thereby justify the trust placed in me and improve the lives of the parties and professionals who appear in my courtroom.

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.

As a relatively new AUSA, I prosecuted a man for child pornography offenses. He ultimately pled guilty and was sentenced to a lengthy term of incarceration. What made the case unique in my experience, however, was that the defendant had also abused four local children at his home and produced illegal abuse images while doing so. This made the home eligible for seizure and forfeiture under federal law. Although the forfeiture process is more typically used in drug and white collar cases, I decided to pursue it in this case, largely because the defendant's residence did not have a mortgage and was therefore a considerable asset that could be sold with the proceeds to benefit the four victims.

The seizure, forfeiture, and sale of the house proceeded smoothly. Each of the four victims was entitled to a significant amount of restitution money from the sale. But during the pendency of the proceedings my office became concerned that, without safeguards in place, the funds would be at risk of not being used to serve the interests of the victims, who were very young children. Ultimately, I reached out to the VBA and

with their help found four attorneys in private practice who would be willing assist the victims and their guardians to manage the funds until the children turned 18. With supervision and assistance from the court, this ensured the restitution money would directly benefit the victims by funding needs such as therapy and education.

This case has particular significance to me for a number of reasons. First, the gravity of the crime and severe harm done to the children in this case has never left me. Second, although no one was responsible for this horrible criminal conduct other than the defendant himself, it was nevertheless very clear that shortcomings in our community and legal systems contributed to a set of conditions that allowed this abuse to occur.

Third, the resolution of this criminal case did not involve sophisticated briefing, novel legal theories, or brilliant oral arguments. Instead, it required collaboration and flexibility among the prosecutor's office, defense counsel, the private bar, the courts and the VBA. It also took a degree of practical commonsense thinking.

Finally, this case has caused me to reflect upon both the tremendous power of our legal system and its profound limitations. Our legal system was able to hold the defendant accountable for the crimes he committed, protect the community from potential future crimes committed by him, and bring some measure of restitution and justice for the victims. Yet no court or lawyer could ever undo the harm done to these children.

For me, these are all lessons in the importance of hard work, practicality, and modesty in legal profession. Although I often fall short, I try to bring these lessons to my day-to-day work as a lawyer.

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

Like far too many people, I was raised in a home that was deeply impacted by substance abuse. From the time I was a very young child, through roughly the end of middle school and the beginning of high school, I had a parent who suffered terribly from addiction. Although every family is unique, families that live with substance abuse often share many common experiences, and mine was no different. We survived ample measures of chaos, uncertainty, despair and desperation. Through significant portions of my childhood, my parent was either absent from my life or unable to be a healthy caregiver.

I believe my childhood experience partially influenced my decision to become an attorney and will influence my ability to serve as a successful judge. Given the circumstances, as a child I frequently found myself at the mercy of adult authority figures outside of my immediate family who had the power to impact my life tremendously for good or ill. Throughout my legal career, I have often reflected on this experience, whether it was when I prosecuting someone, advocating for a victim, or representing a party in a civil case. Institutions, including the court system, have extraordinary power over people's lives, oftentimes at the very worst and most vulnerable moments of their

lives. This is something that can never be taken lightly and a good judge must always be mindful of it.

Also, my parent and my family were ultimately able to come through addiction and forge a healthy life. This was in part due to the incredibly hard work of my parent. But I am very mindful that good fortune and privilege also played a significant role. There is a thin line, thinner perhaps than some people recognize, that separates the “successful” from those who suffer tremendous misfortune. I think my childhood has made me acutely aware of how tenuous things are in life. But for a few good decisions by the adults in my life and some lucky breaks here and there, the outcome for me could have been dramatically different. I know I could have very easily ended up on a track that did not include college, law school, and the career and life that I have been so fortunate to experience, let alone the opportunity to apply for a judgeship.

The best judges that I have had the opportunity to practice before have approached their role with rigor and a commitment to the rule of law, but also with a profound sense of humility. I believe my childhood experience and the lessons I have learned from it would help me to take the same approach if I were appointed to the Bench.

46. Please describe your experiences working with diverse populations.

I have worked with diverse populations throughout my legal career, including my time as a prosecutor and as a guardian ad litem. Prior to attending law school, I taught Sixth Grade English/Language Arts for two years at a public middle school in the Washington Heights neighborhood of New York City, where I also lived. The school and neighborhood were predominantly Dominican, although both students and staff represented a widely diverse population. During the two summers when I was a public school teacher, I lived in Central America and studied Spanish. I still maintain many relationships from that period in my professional life, as does my spouse, whom I met when we were both teachers and who has remained in education and is currently the Principal of the Winooski Middle and High School.

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?

In my view, two principal issues facing the Vermont judiciary today are the continuing post-pandemic backlog in both the criminal and civil dockets and a general decline in civility among the members of the Bar. I believe both of these issues are interrelated.

First, it is no secret to anyone practicing law in Vermont that the unprecedented challenges created by the Covid-19 pandemic have caused a very significant slowdown in our justice system and we are still experiencing a considerable backlog. When cases cannot be adjudicated in a timely manner, justice is not served or, at best, severely diminished. As our current Vermont judges recognize, this can only be resolved by the courts doing everything within their power to move cases forward as expeditiously as possible, without compromising fairness. If I were to be appointed to the Bench,

managing an efficient docket would be one of my primary goals. I believe my professional experience, strong work ethic and well-honed time management skills would help me succeed in this regard.

Second, in recent years I have noticed a decline in the traditionally very high level of civility among Vermont practitioners. I am not the only one to make this observation. Indeed, the Vermont judiciary has recently been outspoken on the issue. Although I believe Vermont is still a civil and collegial place to practice law, I think the culture has become frayed as of late. There are likely many causes to this phenomenon, but I believe that the pandemic—which shifted a good deal of litigation practice to remote hearings and reduced the opportunities for members of the Bar to interact with one another—has significantly contributed. Members of the Bench and Bar have simply become less connected with one another in recent years and this, combined with the post-pandemic backlog, has permitted a certain degree of incivility to take root.

If I became a judge, I would bring an absolute commitment to practicing, modeling, and requiring civility in my courtroom. I would treat every litigant, witness, victim, attorney, and staff person with the utmost dignity and respect. To the extent I observed rudeness or disrespect in and around the courtroom, or in written filings, I would address it promptly. I have had the good fortune of practicing in front of many wonderful judges, both in Vermont and elsewhere. I firmly believe that judges who treat others well, and who remember at all times that courts exist to serve the community, create an atmosphere in which excellent legal work can occur and justice can be best served. Judges who adhere to these principles can go a long way to creating a legal system that people can trust.

In sum, as a judge I would strive to manage my docket in a manner that assured due process while at the same time creating an atmosphere of dignity and respect for all those impacted by the court's work.

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

As a partner at DRM, I am responsible for a variety of administrative and managerial tasks that I think have prepared me well for a Superior Court judgeship. At the law firm, I am extensively involved in the hiring, performance review, supervision and mentoring of newer attorneys and staff. I am also responsible for assisting with the budgeting and strategic financial decisions for our firm.

With respect to my own litigation practice, although I have many cases on which I am the only attorney, I also manage larger matters that involve multiple attorneys and staff. For these matters, I am responsible for tracking internal and external deadlines, establishing and coordinating task lists, providing feedback and supervision, and maintaining quality control.

In addition to my legal practice, I am currently serving as a Burlington City Councilor, which could be a full time job in itself, and involves a good deal of administrative-type work. This includes constituent services and communications, coordination with City staff and other elected officials, and a significant amount of scheduling and time management. I believe the skills that I have developed in my legal practice and community-service work will help me meet the demands of a judgeship.

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

I have been profoundly fortunate that many people have devoted their precious time and energy to provide me with so much mentorship, guidance, and support throughout my life and career. This includes the people whom I have put as references on this application but extends well beyond that list to judges, lawyers, legal professionals, law enforcement officers, and clients. It also includes people outside the legal profession, not the least of whom is my spouse, Kate, whose moral compass, work ethic, and wisdom have taught me so much. I use the term “fortunate” deliberately here because, frankly, none of this has been deserved on my part and I am acutely aware of how lucky I have been in this respect.

In reflecting on my application for a Superior Court judgeship, if I were to choose one person who has had the most profound impact on my work and my desire to become a judge, it would be the late Judge Peter Hall. Judge Hall was a very important mentor to me throughout my legal career until his untimely death.

Judge Hall was a brilliant attorney and a wonderful judge. He worked hard, was meticulously prepared, and was unfailing in his commitment to reach decisions based upon a rigorous application of the law to the particular facts of a case. He asked incisive questions—both to the attorneys who appeared before him and to his law clerks in chambers—and he was an intense listener. He taught his law clerks that they could be successful, tough litigators without engaging in interpersonal conflict and incivility.

But the same could probably be said of many excellent judges. What made Judge Hall so special in my view, and the reason why his mentorship continues to influence me so significantly, was his deep decency as a person. As far as I ever saw or heard about, Judge Hall treated everyone he encountered with unfailing respect, kindness, and curiosity. In this regard, he drew no distinction between the high-powered judges and attorneys whom he met as a federal appellate judge in New York City and the custodial staff who maintained the federal building in Rutland. He knew everyone, knew about their families, their challenges, and their successes. Despite having tremendous demands on his time, he always made himself available to anyone who needed a helping hand or a sympathetic ear.

Although he served as a judge on one of the most prestigious courts in the United States, you would never know it when talking to Judge Hall. He never conflated his responsibility and role as judge on the Second Circuit with his personal ego. Judge Hall

gave me advice and counsel on some of the most important professional and personal decisions of my life. He also, on more than one occasion, came out into the parking lot in Rutland to help me get my old Toyota Corolla started. And he had good laugh while doing it.

Through his humility and integrity, Judge Hall embodied for me the best of what makes a Vermont attorney and a Vermont judge. I miss him tremendously and think of his example very often.

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

I believe I am qualified, in part, because of my professional experience. The roughly twenty years that I have practiced law have been devoted to the courtroom. I have handled cases both criminal and civil, straightforward and complex, in state and federal courts, as a prosecutor and a criminal defense attorney, as plaintiff's counsel, as well as defense counsel. I love being a courtroom lawyer and I believe I have a very strong command of the rules of evidence and courtroom practices and procedures. I have also always been a very hard worker. For these reasons, I think I can hit the ground running as a Superior Court judge.

Also, although I am a tough litigator, I have always tried hard to approach my work with civility and respect. I would bring these values to the Bench. I think, perhaps, that my greatest strength as an attorney is that I am a good and careful listener. This too, I would bring to the Bench.

In my opinion, a respectful judge who listens well fosters a stronger faith in the judicial system among litigants and encourages better work by attorneys—and therefore more just outcomes. Although I am far from perfect and will no doubt at times fall short, I believe that I do have the qualities needed to be a rigorous and fair judge who treats those in the courtroom with the utmost respect.

51. Please attach a representative writing sample appropriate for the position for which you are applying. (Maximum of 10 pages.)

Please see the attached writing sample, which is an excerpt of a brief I submitted to the Vermont Supreme Court.

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

I selected this writing sample because it presents what I believe to be a complex and interesting legal issue of first impression to the Vermont Supreme Court. Although I chose an excerpt of the Supreme Court brief, it is worth noting that I litigated this matter from the "trial" level before the Commissioner of Taxes, through the intermediary appeal to the Washington Superior Court, until the final appeal to the Vermont Supreme Court. Therefore it represents a comprehensive example of my work as a litigator, both with respect to my courtroom advocacy and my written work.



I also chose this piece of writing because I have listed the principal opposing attorney, Assistant Attorney General Will Baker, as one of my “professional adversary” references below. This was a high-stakes matter that was intensely litigated before three separate decisionmakers. Nevertheless, Mr. Baker and I maintained a civil and collegial professional relationship throughout the course of the case. As discussed elsewhere in this application, I highly value a professional and collegial Bar and, if I were to be appointed to the Bench, would do everything within my power to ensure those attributes remain predominate in our professional culture.

53. List the names, addresses, e-mail addresses, and phone numbers of four references who know you professionally. Please include at least two professional adversaries. Please describe how each named reference knows you. *Please be advised that Judicial Nominating Board rules permit Board members to contact non-references for additional information about applicants.*

#### **Reference 1**

Justice Nancy Waples. I have known Justice Waples since I was a law clerk for Judge Sessions in 2003 and she was an AUSA. We were professional adversaries when I was a prosecutor and she was a defense attorney. I had matters before her Court when she was a Superior Court Judge. Justice Waples and I currently serve on the VBF Board together.

[REDACTED]

#### **Reference 2**

Judge Daniel Richardson. I have known Judge Richardson since we both served on the VBA YLD Board together. While we were in private practice, we represented clients in related matters which had the potential to become adversarial even though we never ultimately litigated on opposite sides of a lawsuit. Subsequently, during his time as City Attorney of Burlington, I worked under Judge Richardson’s supervision on matters in which DRM and I had been retained to represent the City. More recently, I have appeared before Judge Richardson in Superior Court, including a jury selection in a tort case in which I represented minor victims of sexual abuse.

[REDACTED]

#### **Reference 3**

Eric Miller. I have known Eric Miller since I was an AUSA and he was a defense attorney in private practice. I later worked under Eric in the U.S. Attorney’s Office after he was appointed to be the U.S. Attorney in 2015. In private practice, I represent the University of Vermont Health Network (UVMHN) in a variety of matters and work extensively with Eric who is UVMHN’s General Counsel.

[REDACTED]

#### **Reference 4**

Will Baker. I first met Will Baker when we served together on the YLD and VBA Boards. I later litigated a significant and lengthy matter with Will in his capacity as an Assistant Attorney General and General Counsel for the Vermont Department of Taxes. As noted above, that lawsuit went from the Commissioner of Taxes to the Superior Court and ultimately to the Vermont Supreme Court. Therefore, Will can speak to my qualities as a professional adversary. Contact information: [REDACTED]  
[REDACTED]

**AFFIDAVIT**

I, Timothy C. Doherty, Jr, being first duly sworn, deposes and says that all of information I have provided in this Application is true.

\_\_\_\_\_  
Signature of Candidate

STATE OF VERMONT

COUNTY, Chittenden

At Burlington, in said County, Timothy C. Doherty, Jr. personally appeared and subscribed and swore to the truth of the above before me this \_\_\_\_ day of July, 2024.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**WAIVER**

I hereby waive my right to privacy as it relates to the Judicial Nominating Board for any information I have provided herein, including the right of the Board to freely communicate with any names listed on my reference sheet with the understanding that any information will be held in confidence by the Board. I also understand and agree that if my name is forwarded to the Governor's office it will be accompanied by this full application.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Candidate