

APPLICATION FOR CANDIDATE FOR MAGISTRATE

Date of application: May 1, 2024

Position/region applied for: Magistrate, Southeast Region

GENERAL

1. Name: Jessica L. Seman

2. Mailing address: [REDACTED]

Business address: 280 State Drive, Waterbury, VT 05671

Email address: jessica.leah.seman@gmail.com

3. Date of birth (required): [REDACTED]

4a. Are you a Vermont resident (see 4 V.S.A. § 602(c)(2))? Yes No

4b. Town of primary residence: Reading, Vermont

5. Telephone nos. Home: [REDACTED] Business: [REDACTED] Cell: [REDACTED]

6a. Have you practiced law in Vermont for a least five years immediately preceding this application (see 4 V.S.A. § 602(c)(2))? Yes No

6b. Do you have at least four years of general law practice (see 4 V.S.A. § 461(b))? Yes No

EDUCATION

7. List colleges and law schools, dates attended, and degrees or credits received:
Bennington College, 1995-1996; Smith College, A.B., 1996-1999; Vermont Law School, J.D., 2001-2004.

8. Academic honors at the college or law school level, if any:
Graduated from Vermont Law School cum laude; member of the Vermont Law Review; Dean's Fellow - selected to teach first year legal writing; academic excellence awards in Dispute Resolution and Income Taxation.

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.

Admitted to the New Hampshire Bar Association and the New Hampshire Supreme Court, October 26, 2004. Admitted to the Vermont Bar Association and the Vermont Supreme Court, November 8, 2005.

- 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. However, my New Hampshire license set to "inactive" status, since I am not currently practicing law in New Hampshire. I can convert my license status to active at any time.

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.

For the past ten years, my professional experience has focused predominantly on family law, specifically the adjudication of child support. I advocated in the legislature for the passage of the Vermont Parentage Act ("VPA") in 2018 and have provided various trainings on the VPA to the private bar, judiciary staff, and other child support agencies around the country. Through my work at OCS, I have also become acquainted with juvenile law, and administrative law, since I serve as the administrative hearings officer for OCS.

Prior to 2014 I spend over five years working in a boutique law firm specializing in estate planning, elder law, and probate law (estate settlement and adult guardianships). I also served as a judicial law clerk at both the trial court and appellate levels in New Hampshire, and had opportunities to assist with evidentiary hearings in both civil and criminal proceedings, in addition to drafting orders and appellate decisions on a wide variety of topics.

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.

Since 2014, I would estimate that over 90% of my work experience involves litigation, motion practice, appellate brief writing, and serving as an administrative hearing officer.

As an attorney for the Office of Child Support, I am in the unique position of representing the State's interest in ensuring children have the support they need from their parents/guardians. OCS attorneys do not represent either parent/guardian during child support hearings. We do, however, explain court procedures and help facilitate settlement discussions with the parties. We also assist with the presentation of evidence in hearings.

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

a. family matters	<u>85</u> %
b. juvenile matters	<u>2</u> %
c. civil matters	<u> </u> %
d. criminal matters	<u> </u> %
e. probate	<u>3</u> %
f. administrative	<u>10</u> %
g. municipal	<u> </u> %
h. environmental	<u> </u> %
i. other	<u> </u> %

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

I have participated in hundreds of evidentiary hearings in the last ten years. As a both a paralegal and a staff attorney for OCS, there were many weeks where I would handle 6-10 hearings per week. My role in these hearings was, and is, as described in # 14 above.

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

- | | | |
|--------------------------|-------|------|
| a. criminal | _____ | % |
| b. family | _____ | 85 % |
| c. civil | _____ | % |
| d. probate | _____ | 3 % |
| e. federal trial | _____ | % |
| f. federal appellate | _____ | % |
| g. Vermont Supreme Court | _____ | 2 % |
| h. administrative body | _____ | 10 % |
| i. environmental court | _____ | % |
| j. other court | _____ | % |

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

a. academics, including teaching, presentations, seminars

As described previously, I have presented trainings on the Vermont Parentage Act to many different groups, including the Vermont Bar Association, the Rutland County Bar Association, OCS and judiciary staff, and to other IV-D agencies throughout the country. I also provide regular trainings to OCS staff on a wide variety of topics, including the Rules of Professional Conduct and Court Rules, case law, and federal regulations that impact OCS work.

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

I am a member of the OCS Management Team, and actively engage in discussions regarding personnel, strategic planning, policy implementation, budgetary issues and other topics. I currently supervise five attorneys and am recruiting for a sixth.

c. mediation, arbitration, or other dispute resolution

Since OCS attorneys do not represent litigants in child support cases, we often assist parties in reaching stipulations regarding child support. Thus I have lots of experience with informal mediation. I also served as a Family Case Manager for almost a year, where I met with parties in divorce and parentage proceedings and assisted them with drafting stipulations regarding property division, parental rights and responsibilities and parent-child contact, and child support. When parties were unable to come to full agreement, I was able identify the primary issues in dispute for the Court.

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

I have not published any formal academic articles, books, etc.

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 experience I have outlined above demonstrates my familiarity of both the Rules of Evidence and courtroom procedure, including that in magistrate proceedings the rules of evidence are "relaxed," though the degree to which they are relaxed does vary from court to court.

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.

No. However, as detailed above and in the attached resume, I served as a Family Case Manager in 2016 for the Windsor Family Division.

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.

No.

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 am the administrative hearings officer for OCS and hold administrative hearings in cases where a party has requested an administrative review of an OCS action that could not be resolved on an informal basis. I have issued more than a dozen decisions, in addition to formal stipulations reached either during or after an administrative hearing.

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.

I have not served in such capacity.

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 _____
- b. issued an oral decision on a contested matter _____
- c. handled motions or other contested proceedings _____
- d. conducted an evidentiary hearing or proceeding _____

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.

Agency of Human Services Designee, Advisory Committee on Rules for Family Proceedings, 2021 - present.

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.

N/A

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.

Vermont Bar Association
New Hampshire Bar Association

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.

N/A

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.

Reading Parent-Teacher Organization, Secretary, 2013-2016
Reading After School Program Committee, Founding Member, 2018-2019
Windsor Central Supervisory Union School Reconfiguration Committee Member, 2021

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.

No.

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.

No. I am mindful of the cooperative relationship that the Office of Child Support has with the Family Division of the Superior Court, but do not feel that my employment as an attorney for the Office of Child Support would present any conflict of interest.

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.

I cannot identify any categories of litigation or any financial arrangements that would present any potential conflicts of interest.

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

See answer above.

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.

No.

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 was born and raised in Southern Vermont. When I returned to Vermont after college graduation, I knew that I wanted to find a career that would allow me to serve my community in a meaningful way. This ultimately led me to attend what is now the Vermont Law and Graduate School.

After law school I served as a judicial law clerk for the New Hampshire Judiciary for three years. Working closely with both trial court judges and the Justices of the New Hampshire Supreme Court was an incredible experience, and germinated the idea that serving as a judicial officer would be a good career goal for me.

Although I never expected to work in the area of family law, I love the work that I do. I particularly enjoy helping people navigate the court process. My considerable experience with the child support statutes and magistrate proceedings, both as an attorney and also as a Case Manager, make me well suited for this position. I am applying for this position because it seems like a natural progression in my legal career that will enable me to continue doing the work that I love.

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.

Please see attached answer.

45. Please describe a legal case or experience that you believe illustrates your ability to succeed as a magistrate in handling complicated family and social dynamics.

As an attorney who handles child support contempt matters, I have frequently been in the position of filing motions for civil contempt, but also working with child support obligors to help them comply with their obligations. For example, I will assist an obligor with filing a modification of needed, or refer them to the Work 4 Kids program if they need help addressing barriers to employment. Being able to balance the needs of both parties (the obligee's need for consistent child support and the obligor's need to pay that obligation) can be difficult but necessary, and I think it translates well to the work of a magistrate, since it is often the court's job to ensure that the parties have reasonable expectations about outcomes and responsibilities.

46. Please describe your experiences working with diverse populations.

As an OCS attorney and also a Case Manager, I have worked on cases involving families across the socioeconomic spectrum. Although Southeastern Vermont is not a racially diverse area, I have handled child support cases requiring interpreters (ASL; Spanish) and accommodations for disabilities.

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?

Although the implementation of an electronic case management system has had some benefits to both the judiciary and practitioners alike, there have been some pain points. In particular, both judicial staff and external users could benefit from more detailed training on how to use the the electronic filing system and how cases are processed.

In addition, the need to pre-file exhibits poses some challenges to practitioners in how they intend to use such evidence in either a remote or in-person evidentiary hearing (ex: does one need to pre-file exhibits intended to be used for impeachment only?). More guidance and clarification around this issue would benefit both judicial staff and litigators.

48. Please describe your specific familiarity with Vermont's child support statutes.

Please see above. My work over the last ten years with OCS and the Family Division has focused on the establishment, modification and enforcement of both parentage and child support.

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

There have been many people who've had a profound impact on my work over the years, but the Hon. Christine Hoyt stands apart. Magistrate Hoyt was an talented jurist and a role model to me, both as an attorney and during my tenure as a Case Manager. She was patient and kind with pro se litigants, while also being firm in issuing her decisions. She had an unobtrusive and gentle way of educating the attorneys and paralegals who presented cases before her. She was fair and consistent, and always had full control over her courtroom. She made her job look simple, even though it wasn't. I benefited immensely from her mentorship.

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

In addition to my answers to the questions above regarding my extensive work in the child support docket, my temperament is well suited for the position of magistrate. I am calm, I am a good listener, and I strive to be fair and consistent. In my current position, I benefit from being able to analyze cases from different angles and from the stand point of what is in the best interest of the family and children. And thus, the combination of my professional background, skill set, and temperament would serve me well were I to be selected for the vacant magistrate position.

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

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

The writing sample I chose was an administrative review decision I authored a few years ago in a highly contentious child support case. In it, I tried to balance the needs of both parties in a fair and pragmatic way. The outcome of the decision was that father paid the lump sum and maintained his employment, which allowed OCS to continue receiving wage withheld child support payments.

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

Robin Arnell, [REDACTED]
[REDACTED]. Robin is the former director of OCS and I worked closely with her during her last two years serving in that capacity.

Reference 2

Sarah Haselton, [REDACTED]
[REDACTED]. Sarah is a family law practitioner and was my supervisor for three years at OCS.

Reference 3


Karen K. Reynolds, AGO DCF- Family Services Division, 220 Asa Bloomer Building, Rutland, VT 05701.
[REDACTED]. Karen was a colleague of mine for a short period of time at OCS, and she is now an Assistant Attorney General for the Family Services Division.

Reference 4

George Lauzon, PO Box 121, North Springfield, VT 05150. [REDACTED]
[REDACTED] George was a paralegal for OCS in the Southeastern District Office. We worked on many, many cases together during our time working together.

AFFIDAVIT

Jessica L. Seman, being first duly sworn, deposes and says that all of the information I have provided in this Application is true.


Signature of Candidate

STATE OF VERMONT COUNTY, SS

At Claremont Savings Bank in said County, Windsor, Jessica Seman personally appeared and subscribed and swore to the truth of the above before me this 1st day of May, 2024.


Notary Public
My commission expires: _____


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: May 1, 2024

Signature of Candidate