

TO: SENATE JUDICIARY COMMITTEE
FROM: ELIZABETH ZEIGLER



February 27, 2023

Dear Senators,

I am Elizabeth Zeigler, Executive Director of I Have The Right To, a registered 501 (c)(3) founded by Chessy Prout and her parents after Chessy came forward publicly to claim her name and story rather than be intimidated into silence by Michael Delaney and the motion he filed on behalf of St. Paul's School.

I Have The Right To, is the hub for middle and high school students, parents, and educators looking for information, support, and avenues of action against sexual assault. An American is sexually assaulted every 68 seconds and every nine minutes, that victim is a child. We envision a future where students receive an education free from sexual assault. Our reason for being is to ensure that sexual assault survivors never have to endure what Chessy and her family endured because of Michael Delaney's tactics.

You know well that Michael Delaney filed the motion to strip Chessy of her anonymity at the age of 16 during the civil case, which the family brought against St. Paul's School explicitly to affect change at the school. What you may not know is how Michael Delaney promulgated his defense of the school to generate business for himself and his law firm.

The attached flyer for the ISANNE (Independent Schools Association of Northern New England) 2015 Fall Heads Conference shows how Michael Delaney and St. Paul's Rector Michael Hirshfeld positioned the school's response to the civil case and Delaney's tactics under the banner of "Navigating Crisis with Values Driven Leadership." Below is the description of the session:

Attorney Michael Delaney from McLane Law Firm and Rector Michael Hirschfeld, Rector at St. Paul's School will be presenting "Strategies for Addressing Student-to-Student Sexual Assault" It's been all over the news. For several years, national media has reported on the incidence of student sexual assaults on college and university campuses, and the federal government's response in mandating enhanced policies, procedures, training and reporting. Earlier this year, the spotlight turned to New Hampshire as the trial of a senior boy at a New Hampshire independent school unfolded and resulted in guilty verdicts for sexual assault and certain computer crime law violations. In this dynamic session, you will hear from Attorney Michael Delaney about what crimes the student was charged with, what he was found guilty of, and what implications this has for students and schools. You will also hear from Rector Michael Hirschfeld as he discusses the impact the trial has had at St. Paul's School and what the school is doing to address it. And Finally, you will hear from Attorney Linda Johnson who will provide some overall strategies for schools to address student on student sexual assault situations, both proactively and reactively. You won't want to miss this!

As Chessy wrote in her February 13 letter to this Committee, "when survivors of sexual harassment, assault, and abuse come forward to seek some semblance of justice, there is an army of attorneys with a tried and true playbook of tactics to discredit, pressure, and manipulate survivors and victims into silence." Delaney and Hirschfeld took that playbook on the road in 2015.

It's safe to say that the New Hampshire Attorney General did not view Michael Delaney and Michael Hirschfeld's actions as "values driven leadership." The New Hampshire Attorney General's Grand Jury Investigation into St. Paul's School culminated with this 2017 [Settlement Agreement](#).

The Agreement called for the oversight of the school for a period of up to five years and included the selection of a Compliance Overseer who would be embedded on the campus and tasked with reporting at least bi-annually to the Attorney General's Office regarding St. Paul's School's compliance with all of the terms of the Agreement. To our knowledge, St. Paul's is the only school under the supervision of the Department of Justice.

The statistics around sexual assault and justice are staggering and should give everyone, especially those charged with seating a federal court bench, pause. According to the US

Department of Justice, 63% of sexual assaults are not reported to the police. Of the 37% of victims who do report, only 2.5% get some form of justice.

I Have The Right To is asking that you vote "NO" to Michael Delaney's confirmation. Delaney is not ethically qualified to sit on a federal court bench. Our organization is one of many advocacy groups that publicly take a stand for survivors of sexual assault, the 25 million Americans that the Biden Administration promised to protect.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth A. Zeigler". The signature is written in a cursive style with a large initial 'E'.

Elizabeth Zeigler