

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

1. **Name**: State full name (include any former names used).

Beth Robinson

2. **Position**: State the position for which you have been nominated.

United States Circuit Judge for the Second Circuit

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Place of Employment: Vermont Supreme Court  
111 State Street  
Montpelier, Vermont 05609

Residence: Ferrisburgh, Vermont

4. **Birthplace**: State year and place of birth.

1965; Karachi, Pakistan

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

Fall semester 1991, Akron University. I took one course; I believe I audited it.

1986 – 1989, University of Chicago Law School; J.D. (Order of the Coif), 1989

1982 – 1986, Dartmouth College; B.A. (summa cum laude), 1986

1985, University of Edinburgh; no degree received (college semester abroad)

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2011 – present  
Vermont Supreme Court  
111 State Street  
Montpelier, Vermont 05609  
Associate Justice

2011  
Vermont Office of the Governor  
109 State Street, Pavilion  
Montpelier, Vermont 05609  
Counsel to the Governor

1993 – 2010  
Langrock Sperry & Wool  
111 South Pleasant Street  
Middlebury, Vermont 05753  
Partner (1998 – 2010)  
Associate (1993 – 1997)

1992 – 1993  
Hirschkop & Associates  
Self Employed/Contract Attorney  
Alexandria, Virginia

1990 – 1991  
Skadden, Arps, Slate, Meagher & Flom  
1440 New York Avenue, Northwest  
Washington, District of Columbia 20005  
Associate

1989 – 1990  
United States Court of Appeals for the District of Columbia Circuit  
E. Barrett Prettyman United States Courthouse  
333 Constitution Avenue, Northwest  
Washington, District of Columbia 20001  
Law Clerk for the Honorable David B. Sentelle

Summer 1988  
O'Melveny & Myers LLP  
1625 Eye Street, Northwest  
Washington, District of Columbia 20006  
Summer Associate

Summer 1988  
Williams & Connolly



725 Twelfth Street, Northwest  
Washington, District of Columbia 20005  
Summer Associate

Summer 1987  
Langrock Sperry & Wool  
111 South Pleasant Street  
Middlebury, Vermont 05753  
Summer Law Clerk

Teaching Affiliations

2006 (summer term) and 2009 (spring term)  
Dartmouth College  
Hanover, New Hampshire 03755  
Senior Lecturer

Other Affiliations (uncompensated)

2020 – present  
American Law Institute  
4025 Chestnut Street  
Philadelphia, Pennsylvania 19104  
Adviser to Restatement Third of the Law Torts: Defamation and Privacy

2002 – 2010  
Vermont Fund for Families (dissolved)  
I have no address because the organization has dissolved.  
I served as Director and Chair (approximately during, to the best of my knowledge, the period from 2009 to 2010.)

2000 – 2010  
Vermont Freedom to Marry Action Committee, Inc. (dissolved)  
Co-founder, Director, and Chair (approximately 2000 – 2010)

1995 – 2009  
Vermont Freedom to Marry Task Force, Inc. (dissolved)  
Co-founder, Director, and Chair (approximately 1995 – 1999, 2000, 2005 – 2009)

2003 – 2005  
Vermont Department of Labor Workers' Compensation Advisory Board  
This was a time-limited board. To my knowledge, it no longer exists.  
Vermont Department of Labor  
5 Green Mountain Drive  
Montpelier, Vermont 05601  
Advisory Board Member

2000 – 2005  
Vermonters for Civil Unions (dissolved)  
Co-Founder, Director, Secretary

1994 – 1996  
Addison County Humane Society  
236 Boardman Street  
Middlebury, Vermont 05753  
President (1995 – 1996)  
Director (1994 – 1996)

1993 – 1995  
Vermont Girl Scout Council (now Girls Scouts of the Green and White Mountains)  
60 Knight Lane, Suite 30  
Williston, Vermont 05495  
Director

Summer 1990, 1991, or 1992  
In either the summer of 1990, 1991, or 1992, I volunteered as a girls' soccer coach in Arlington, Virginia. I believe I volunteered for a local recreation league, rather than a school program, but I am not certain. I have no recollection or information beyond this general memory.

Winter 1990, 1991, or 1992  
In either the winter of 1990, 1991, or 1992, I volunteered as a girls' basketball coach in Arlington, Virginia. I believe I volunteered for a local recreation league, rather than a school program, but I am not certain. I have no recollection or information beyond this general memory.

1988 – 1989  
Ray Elementary School  
5631 South Kimbark Avenue  
Chicago, Illinois 60637  
Volunteer girls' basketball and softball and boys' basketball and baseball coach

Additionally, since 2015 I have been a Director, and since 2017 have been Secretary, for the condominium association for a rental property my spouse and I own. I can provide additional details to the Committee upon request.

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I was not required to register for the selective service.

8. **Honors and Awards**: List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Vermont Law School, Doctor of Laws, Honorary Degree, 2014

Burlington College, Doctor of Laws, Honorary Degree, 2012

Johnson State College, Doctor of Humane Letters, Honorary Degree, 2012

Vermont Association for Justice, Frank G. Mahady Award, 2010

Middlebury College, Doctor of Laws, Honorary Degree, 2010

Girl Scout Council of the Green and White Mountains, Champion, 2010

Burlington Free Press, Vermonter of the Year, 2009

American Civil Liberties Union of Vermont, David Curtis Civil Liberties Award, 2009

Gay & Lesbian Advocates & Defenders, Spirit of Justice Award, 2009

Vermont NASW, Public Citizen of the Year, 2009

RU12? Community Center Volunteer of the Year Award, 2009

Best Lawyers in America in Workers' Compensation, Personal Injury, Family Law, 2009  
and 2010 Editions

Superlawyers, Workers' Compensation, 2008, 2009, and 2010 Editions

Best Lawyers in America in Workers' Compensation, Family Law, 2003, 2006, 2007,  
and 2008 Editions

Vermont Democratic Party, David Curtis Award, 2003

Dartmouth Gay and Lesbian Alumni Association, President's Award, 2002

Dartmouth College, Martin Luther King, Jr. Social Justice Award: Ongoing  
Commitment, 2002

Vermont National Organization for Women, Woman of Courage Award, 2001

Bay Windows, One of Three Persons of the Year, 2001

American Civil Liberties Union of Vermont, David Curtis Civil Liberties Award, 2000

American Civil Liberties Union Foundation of Massachusetts, Roger Baldwin Award, 2000

Massachusetts Lesbian & Gay Bar Association Kevin Larkin Memorial Award for Public Service, 2000

Alliance at Vermont Law School, Vermont Vanguard Award, 1999

Vermont Coalition for Lesbian and Gay Rights, Volunteer of the Year, 1995

University of Chicago Law School, Order of the Coif, 1989

University of Chicago Law School, Mechem Prize (full merit scholarship), 1987 – 1989

Dartmouth College, Summa Cum Laude, 1986

Dartmouth College, Phi Beta Kappa, 1986

Dartmouth College, Francis W. Gramlich Philosophy Prize, 1986

Dartmouth College, Charles Howe Woodbury Law Scholarship, 1986

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Association for Justice (formerly Association of Trial Lawyers of America) (for one or more years between 1993 and 2010)

American Bar Association (for some years between 1993 and 2010)

American Law Institute (2018 – present)

Adviser to Restatement Third of the Law Torts: Defamation and Privacy (2020 – present)

International Association of LGBTQ+ Judges (2015, 2018 – present)

Vermont Association for Justice (formerly Vermont Trial Lawyers Association) (for most years between 1993 and 2010)

Vermont Bar Association (1993 – 2020)

Vermont Bar Association, Citizens' Justice Conference  
Public Education Committee (1999)

Vermont Board of Bar Examiners (1999 – 2010)  
Chair (October – December 2010)  
Vice-Chair (2009 – 2010)  
Examiner (2003 – 2009)  
Associate Member (1999 – 2003)

Vermont Judiciary Committees (2011 – present)  
Ad hoc Guide and File Advisory Committee, Chair (2019 – present)  
Electronic Filing Rules Committee, Supreme Court Liaison (2019 – present)  
Rules for Public Access to Court Records Committee, Supreme Court Liaison  
(2019 – present)  
Next Generation Case Management System Steering Committee (2016 – present)  
Judiciary Website Redesign Steering Committee (2016 – 2017)  
Evidence Rules Committee, Supreme Court Liaison (2013 – present)  
Family Division Oversight Committee, Supreme Court Liaison (2013 – present)  
Family Rules Committee, Supreme Court Liaison (2013 – present)  
Ad hoc Self-Represented Litigant Services Committee, Chair (approximately  
2011 – 2015)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

District of Columbia, 1989  
Vermont, 1993

I thought I had resigned from the District of Columbia Bar in the late 1990s, several years after I moved to Vermont, but I learned during this process that the records of the District of Columbia Bar reflected that I was administratively suspended for non-payment of dues in 2003. I reinstated my District of Columbia bar membership on inactive status in July 2021. I have been on inactive “judicial status” in Vermont since I began serving on the Vermont Supreme Court in 2011. There have otherwise been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Supreme Court, 1995  
United States Court of Appeals for the Second Circuit, 1996  
United States Court of Appeals for the D.C. Circuit, 1994  
United States District Court for the District of Columbia, 1991

United States District Court for the District of Vermont, 1994

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Addison County Humane Society (1994 – 1996)

President (1995 – 1996)

Director (1994 – 1996)

Condominium Association (2015 – present)

Secretary (2017 – present)

Director (2015 – present)

End of Life Services, Middlebury, Vermont

Hospice Volunteer (2016 – 2020)

Vermont Access to Justice Coalition (2011 – present)

Chair (2016 – present)

Supreme Court Representative (2011 – present)

Vermont Coalition for Lesbian and Gay Rights

Volunteer (1994 – 1995)

Vermont Department of Labor Workers' Compensation Advisory Board

Volunteer (2003 – 2005)

Vermont Freedom to Marry Action Committee, Inc.

Director & Chair (2000 – 2010)

Vermont Freedom to Marry Task Force, Inc.,

Director & Chair (various periods from 1995 – 2010)

Vermont Fund for Families, Inc.

Director & Chair (2009 – 2010)

Vermont Girl Scout Council (now Girls Scouts of the Green and White Mountains)

Board Member (1993 – 1995)

Vermonters for Civil Unions, Inc.  
Director & Secretary (2000 – 2005)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Membership in the Vermont Girl Scout Council (now Girl Scouts of the Green and White Mountains) was open to all adults without discrimination on the basis of race, sex, religion, or national origin, but its services and youth membership are for girls. Other than that, to the best of my knowledge, none of these organizations currently discriminates, or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

## 12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

In compiling this list of responsive publications, I have relied on my personal records as well as online searches. I have broken the list into two categories: (i) items published by newspapers, law reviews, or other third-party publishers, and (ii) communications published by Vermont freedom-to-marry organizations online or by email.

### Published Chapters, Articles, Op-eds, and Letters to the Editor

The list of responsive items below is based primarily on my personal records as well as Internet and database searches, and searches of publicly accessible archives for several Vermont publications. It is possible that there are some I have no record of and thus was not able to identify.

Letter to the Editor, Excerpted in *Rogers Spurred Flynn Center Revival*, Burlington Free Press (Dec. 30, 2010). Copy supplied.

Editorial, *Victories on the Road to Equal Rights*, Rutland Herald and Times Argus (Aug. 8, 2010). Copy supplied.

Editorial, *Let's Pay it Forward by Paying it Back*, Wash. Blade (July 29, 2010). Copy supplied.

*My Turn: Thanks to Backers of Freedom to Marry*, Burlington Free Press (Jan. 17, 2010). Copy supplied.

Same-Sex Marriage in Law and Society: Dartmouth College's Law Day Program 2009: Introduction, 34 Vermont Law Review 231 (Winter 2009). Copy supplied.

*Heroes in the Statehouse*, Vermont Association for Justice, VTAJ Report, Vol. 20, no. 2 (June 2009). Copy supplied.

*My Turn: Done Waiting for Same-Sex Marriage*, Burlington Free Press (Dec. 14, 2008). Copy supplied.

*Vermonters Discriminated Against Under the Law*, Rutland Herald (June 1, 2008). Copy supplied.

*Equality for Same-Sex Couples*, Livin' Magazine (Nov./Dec. 2007). Copy supplied.

*Social Justice Tied Up in Gay Rights*, Sunday Rutland Herald and Times Argus (Aug. 12, 2007). Copy supplied.

With Susan Murray, "Laying the Groundwork: Early Organizing in Vermont," in *Defending Same-sex Marriage: The Freedom-to-Marry Movement: Education, Advocacy, Culture, and the Media*, edited by Martin Dupuis and William A. Thompson (2007). Copy supplied.

*My Turn: A Look at Blue America's Latest Scapegoats*, Burlington Free Press (Jan. 4, 2005). Copy supplied.

*Fairness for Families*, Livin' Magazine (Oct. 2004). Copy supplied.

With Susan Murray, Guest Editorial, *Marriage: How Do We Get There from Here?*, Out in the Mountains (May 2004). Copy supplied.

Letter to the Editor, *HRC & Civil Unions*, Out in the Mountains (Jan. 2004). Copy supplied.

Letter to the Editor, *Strong Leadership*, Burlington Free Press (Mar. 5, 2003). Copy supplied.

With Susan Murray, *The Sky's Still Here*, Out in the Mountains (July 2002). Copy supplied.



Letter to the Editor, *Matter 's Not Settled*, Burlington Free Press (July 9, 2001). Copy supplied.

With Susan Murray, *Legal Briefs*, Out in the Mountains (June 2001). Copy supplied.

*The Road to Inclusion for Same-Sex Couples: Lessons from Vermont*, 11 Seton Hall Const. L.J. 237 (Spring 2001). Copy supplied.

With Susan Murray, *Legal Briefs: Homophobia in the Courtroom*, Out in the Mountains (Mar. 2001). Copy supplied.

With Susan Murray, Letter to the Editor, *Candidates Attacking Outright Vermont Out of Touch*, Addison Indep. (Oct. 16, 2000). Copy supplied (published in multiple outlets).

*A Primer on Vermont's Civil Union Law*, The Paralegal Perspective, Vol. XI, Issue 3 (Aug. 2000). Copy supplied.

*Facts Show Legislators Did Not Ignore the People*, Rutland Daily Herald (July 5, 2000). Copy supplied (published in multiple outlets).

With Susan Murray, *Legal Briefs: Do You Need a Prenuptial Agreement?*, Out in the Mountains (June 2000). Copy supplied.

With Susan Murray, *Legal Briefs: So What Does Civil Union Mean?*, Out in the Mountains (Apr. 2000). Copy supplied.

With Susan Murray, *Toward Equality*, Out in the Mountains (Mar. 2000). Copy supplied.

With Susan Murray, *So What Does Baker Mean?*, Out in the Mountains (Feb. 2000). Copy supplied.

With Susan Murray and Mary Bonauto, *The Freedom to Marry for Same-Sex Couples: The Opening Appellate Brief of Plaintiffs Stan Baker et al. in Baker et al. v. State of Vermont*, 5 Mich. J. of Gender & L. 409 (1999). Copy supplied.

With Susan Murray and Mary Bonauto, *The Freedom to Marry for Same-Sex Couples: The Reply Brief of Plaintiffs Stan Baker et al. in Baker et al. v. State of Vermont*, 6 Mich. J. of Gender & L. 1 (1999). Copy supplied.

*Playing it Safe: Allocating the Risk of Harm on the Slopes*, The Vermont Bar J. & L. Digest, Vol. 25, No. 1 (Mar. 1999). Copy supplied.

Letter to the Editor, *Love and Marriage*, Burlington Free Press (Aug. 13, 1998).

Copy supplied.

Letter to the Editor, *Solid Unions No Easy Feat*, Addison Indep. (Aug. 6, 1998).  
Copy supplied.

Letter to the Editor, *An Ode to the Need to Eliminate Discrimination*, St. Albans  
Messenger (July 14, 1998). Copy supplied.

With Susan Murray, *Legal Briefs: Marriage Update!*, Out in the Mountains (Apr.  
1998). Copy supplied.

*The Opportunity of a Lifetime*, Out in the Mountains (Sept. 1997). Copy  
supplied.

Press Releases and Vermont Freedom to Marry Blog Posts Associated with  
Freedom to Marry Movement

As co-counsel to the plaintiffs in the *Baker v. State of Vermont* case and as a  
frequent spokesperson for the Vermont Freedom to Marry Task Force and other  
organizations from 1995 through 2010, I authored communications published on  
the Vermont Freedom to Marry Task Force web page. I have located the  
responsive items below, but it is possible that there are some I have no record of  
and thus was not able to identify.

“Prop 8 Case Presents Educational Opportunities, Potential Future Risk,” Beth’s  
Blog, Vermont Freedom to Marry Action Committee Website (Jan. 11, 2010).  
Copy supplied.

“Gubernatorial Primary Features Lots of Friends,” Beth’s Blog, Vermont  
Freedom to Marry Action Committee Website (Nov. 16, 2009). Copy supplied.

Beth Robinson Honored at GLAD’s Annual Spirit of Justice Dinner, Vermont  
Freedom to Marry Task Force Website (Oct. 26, 2009). Copy supplied.

Thank Senator Shumlin for his principled stand for fairness and equality! (June  
19, 2009). Copy supplied.

Help Us Finish The Job: Please Donate Today (Apr. 8, 2009). Copy supplied.

“Divisiveness and Democracy,” Beth’s Blog, Vermont Freedom to Marry Task  
Force Website (Mar. 15, 2009). Copy supplied.

“Multitasking and the Legislature,” Beth’s Blog, Vermont Freedom to Marry  
Task Force Website (Mar. 7, 2009). Copy supplied.

“Why Not a Referendum,” Beth’s Blog, Vermont Freedom to Marry Task Force

Website (Feb. 24, 2009). Copy supplied.

“A Dozen Stories. A Dozen Reasons. #8,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 23, 2009). Copy supplied.

“A Dozen Stories. A Dozen Reasons. #7,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 22, 2009). Copy supplied.

“A Dozen Stories. A Dozen Reasons. #6,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 21, 2009). Copy supplied.

“Our Heroes: Senator John Campbell,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 20, 2009). Copy supplied.

“The State and Civil Marriage,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 19, 2009). Copy supplied.

“A Dozen Stories. A Dozen Reasons. #5,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 17, 2009). Copy supplied.

“A Dozen Stories. A Dozen Reasons. #4,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 17, 2009). Copy supplied.

“What the World Needs Now,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 15, 2009). Copy supplied.

“Honoring the Suffragists,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 15, 2009). Copy supplied.

“A Dozen Stories. A Dozen Reasons. #3,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 14, 2009). Copy supplied.

“Our Heroes: David Zuckerman,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 13, 2009). Copy supplied.

“Happy National Freedom to Marry Day,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 12, 2009). Copy supplied.

“A Dozen Stories. A Dozen Reasons. #2,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 11, 2009). Copy supplied.

“Our Heroes: Mark Larson,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 10, 2009). Copy supplied.

“A Dozen Stories. A Dozen Reasons. #1,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 10, 2009). Copy supplied.

“What’s Next,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 9, 2009). Copy supplied.

“59 Sponsors,” Beth’s Blog, Vermont Freedom to Marry Task Force Website (Feb. 6, 2009). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

While I was chair of the Vermont Access to Justice Coalition, the organization commissioned an outside economist to prepare a report titled Economic Impacts of Civil Legal Assistance Programs in Vermont, which was published at 45 Vt. Bar J. 39 (Winter 2019). I did not participate significantly in drafting the report but did review drafts and make comments before it was finalized. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

#### As a Justice

*PowerPoint presentation to newly elected members of the Vermont Legislature* (Nov. 18, 2020). Copy supplied. (The copy supplied is incorrectly dated “November 27, 2018,” but this is the presentation I gave in 2020.)

*PowerPoint presentation to newly elected members of the Vermont Legislature* (Nov. 27, 2018). Copy supplied.

*Presentation to the Vermont House Judiciary Committee* (Jan. 10, 2017). Copy supplied.

*PowerPoint presentation to newly elected members of the Vermont Legislature* (Dec. 1, 2016). Copy supplied.

*Judicial Retention: Introductory Meeting with the Justices of the Vt. Supreme Ct. Before the J. Comm. on Judicial Retention, 2017 – 2018 Gen. Assemb.* (Vt. Feb. 8, 2017). Recording supplied (my remarks run from 53:01 to 1:25:18).

*Joint Committee on Judicial Retention Questionnaire* (approximately Nov. 2, 2016). Copy of nonconfidential portions supplied.

*Declaration of Candidacy for Retention* (Aug. 23, 2016). Copy supplied.

*Presentation to newly elected members of the Vermont Legislature* (Nov. 19, 2014). Notes supplied.

*Confirmation of Governor's Appointment, Hon. Beth Robinson, Associate Justice, Vt. Supreme Ct. Before the S. Comm. on Judiciary*, 2011 – 2012 Gen. Assemb., Adj. Sess. (Vt. Jan. 13, 2012). Audio recording supplied (my remarks are available on recording 2012-016).

*Vermont Senate Judiciary Questionnaire* (approximately Jan. 2012). This was the questionnaire I completed in connection with my appointment to the Vermont Supreme Court. Copy of nonconfidential portions supplied.

#### As Counsel to the Governor

As Counsel to the Governor, I was frequently called upon in legislative hearings to present the Governor's position on various issues, and I sometimes submitted the Governor's position in writing. I did not keep records of these occasions. Based on specific recollection or newspaper coverage, I have identified several bills about which I provided testimony to Vermont legislative committees. I have listed those below.

*Legislative Study Committee on Public Records Laws: Hearing* (Vt. July 27, 2011). Press coverage supplied.

*An Act Relating to Registering Four Nonprofit Organizations to Dispense Marijuana for Symptom Relief: Hearing on S.17 Before the H. Comm. on Human Services*, 2011 – 2012 Gen. Assemb. (Vt. May 4, 2011) (statements of Beth Robinson). Recording supplied. The format of this hearing was a committee discussion that included some comments from witnesses, including me. My comments are on recording 11-162, Track 3, 19:15; Track 4, 5:20; and Track 5, 4:20; and recording 11-163, Track 1, 0:30.

*An Act Relating to Establishing a Government Transparency Office to Enforce the Public Records Act: Hearing on H.73 Before the H. Comm. on Gov't Operations*, 2011 – 2012 Gen. Assemb. (Vt. Apr. 27, 2011) (statement of Beth Robinson). Recording supplied. My remarks are on recording 11-091, Track 3, 0:00 to 15:34 and recording 11-092, Track 2, 37:50 to 38:30.

*An Act Relating to Establishing a Government Transparency Office to Enforce the Public Records Act: Hearing on H.73 Before the S. Comm. on Gov't Operations*, 2011 – 2012 Gen. Assemb. (Vt. Apr. 20, 2011) (statement of Beth Robinson). Recording supplied. My remarks, interspersed with committee discussion, are on recording 11-088, Track 2, 5:00 to end.

*An Act Relating to the Advancement of Cellular, Broadband and Other Technology Infrastructure in Vermont: Hearing on S.78 Before the S. Comm. on Finance, 2011 – 2012 Gen. Assemb. (Vt. Apr. 19, 2011) (statement of Beth Robinson).* Recording supplied. This hearing was a committee discussion that included some comments from witnesses, including me. My comments are on recording 11-182, Track 13, 0:00 to 0:30 and 1:20 to 2:15, and Track 14, 3:15 to 4:08; recording 11-183, Track 11, 4:15 to 4:30, Track 14, 4:40 to 4:59, Track 15, 0:00 to 0:40 and 3:55 to 4:25; recording 11-184, Track 1, 1:40 to 1:50, Track 2, 1:10 to 3:10, Track 3, 0:00 to 1:11, Track 4, 0:30 to 1:00, Track 6, 2:30 to 4:59, Track 7, 0:00 to 0:21, Track 8, 0:28 to 0:40.

*An Act Relating to Establishing a Government Transparency Office to Enforce the Public Records Act: Hearing on H.73 Before the S. Comm. on Gov't Operations, 2011 – 2012 Gen. Assemb. (Vt. Apr. 14, 2011) (statement of Beth Robinson).* Recording supplied. My remarks are on recording 11-078, Track 2, 0:00 to 53:13.

*An Act Relating to Maintenance of Private Roads: Hearing on H.272 Before the H. Comm. on Com. and Econ. Dev., 2011 – 2012 Gen. Assemb. (Vt. Apr. 7, 2011) (statement of Beth Robinson).* Recording supplied. My remarks are on recording 11-156, Track 15, 3:15 to 4:59 and recording 11-157, Track 1, 0:00 to 4:59; Track 2, 0:00 to 4:59; Track 3, 0:00 to 1:25; and Track 4, 0:00 to 2:24.

*An Act Relating to Establishing a Government Transparency Office to Enforce the Public Records Act: Hearing on H.73 Before the H. Comm. on Appropriations, 2011 – 2012 Gen. Assemb. (Vt. Mar. 30, 2011) (statement of Beth Robinson).* Recording supplied. My remarks are on recording 11-099, Track 1, 20:09 to 21:00, 24:15 to 25:15, 42:24 to 43:00, and 49:20 to 49:58, and Track 2, 9:58 to 10:20.

*An Act Relating to the Advancement of Cellular, Broadband and Other Technology Infrastructure in Vermont: Hearing on S.78 Before the S. Comm. on Finance, 2011 – 2012 Gen. Assemb. (Vt. Mar. 29, 2011) (statement of Beth Robinson).* I have no notes, transcript, or recording. The official recording was apparently incorrectly formatted.

*An Act Relating to the Advancement of Cellular, Broadband and Other Technology Infrastructure in Vermont: Hearing on S.78 Before the S. Comm. on Finance, 2011 – 2012 Gen. Assemb. (Vt. Mar. 24, 2011) (statement of Beth Robinson).* Recording supplied. My remarks are on recording 11-101, Track 1, 2:05 to 2:30.

*An Act Relating to the Advancement of Cellular, Broadband and Other Technology Infrastructure in Vermont: Hearing on S.78 Before the S. Comm. on Finance, 2011 – 2012 Gen. Assemb. (Vt. Mar. 16, 2011) (statement of Beth Robinson).* Recording supplied. I speak briefly at the beginning of recording 11-

088, Track 1.

*An Act Relating to Establishing a Government Transparency Office to Enforce the Public Records Act: Hearing on H.73 Before the H. Comm. on Gov't Operations, 2011 – 2012 Gen. Assemb. (Vt. Mar. 10, 2011) (statement of Beth Robinson). Recording supplied. My remarks are on recording 11-068, Track 1, 5:40 to 21:43 and 32:15 to 33:30.*

*An Act Relating to Establishing a Government Transparency Office to Enforce the Public Records Act: Hearing on H.73 Before the H. Comm. on Gov't Operations, 2011 – 2012 Gen. Assemb. (Vt. Feb. 15, 2011) (statement of Beth Robinson). Recording supplied. My remarks are on recording 11-044, Track 1, 0:00 to 27:44 and 47:50 to 59:20.*

*An Act Relating to Establishing a Government Transparency Office to Enforce the Public Records Act: Hearing on H.73 Before the H. Comm. on Gov't Operations, 2011 – 2012 Gen. Assemb. (Vt. Feb. 3, 2011) (statement of Beth Robinson). Recording supplied. My remarks are on recording 11-029, Track 1, 3:15 to 43:13.*

#### While in Private Practice

As an advocate in the workers' compensation bar, and a leader in the Vermont freedom-to-marry movement, I testified in Vermont House and Senate committee hearings and related contexts several times between 1997 and 2009, and in some cases spoke briefly and spontaneously in response to specific issues that arose during committee hearings. I frequently sent emails and wrote letters to lawmakers, both on Vermont Freedom to Marry Task Force letterhead and on my own. After the Vermont civil union bill passed, I communicated orally and in writing with state administrative agencies relating to implementation of the law. I did not keep and retain a record of all such occasions. I have located the responsive items below, but it is possible that there are others I have no record of and thus was not able to identify.

Around 2010, as counsel for the Vermont State Employees Association, I provided written and oral communications to Vermont legislative leadership on the legality of various proposed changes to the state employee pension system. I do not have a record of the communication, but it was covered by the media. VPR, *Lawmakers Hear From Experts On Pension Changes*, VPR.org (Jan. 18, 2010); *VSEA Challenges Retirement Reforms*, Burlington Free Press (Jan. 16, 2010). Copies supplied.

*An Act Relating to Civil Marriage: Hearing on S.115 Before the H. Comm. on Judiciary, 2009 – 2010 Gen. Assemb. (Vt. Mar. 25, 2009) (statement of Beth Robinson, Attorney, Langrock Sperry & Wool). Video supplied.*

*An Act Relating to Civil Marriage: Hearing on S.115 Before the S. Comm. on*



*Judiciary*, 2009 – 2010 Gen. Assemb. (Vt. Mar. 16, 2009) (statement of Beth Robinson, Attorney, Langrock Sperry & Wool). Video supplied.

Paid Print Ad, *Vermont Lawyers Support Civil Marriage*, Vermont Freedom to Marry Task Force, published in print outlets throughout Vermont (Mar./Apr. 2009 (approximately)). Copy supplied.

*An Act Relating to Compensability of Mental Injuries Under Workers' Compensation: Hearing on H.81 Before the H. Comm. on Commerce & Econ. Dev.*, 2009 – 2010 Gen. Assemb. (Vt. Feb. 3, 2009) (statement of Beth Robinson, Attorney, Langrock, Sperry & Wool). Recording supplied. My remarks are on recording 2009-031 and run from Track 7, 1:46 to Track 11, 3:31.

*Letter to Delegates to the Vermont Democratic Party State Convention* (May 19, 2008). Copy supplied.

*Letter to Vermont Commission on Family Recognition and Protection* (Feb. 27, 2008). Copy supplied.

*Testimony before the New Jersey Civil Union Review Commission* (N.J. Jan. 24, 2008). Video available at <https://www.youtube.com/watch?v=f0AK6ymZupE>.

*Letter to Vermont House Judiciary Committee* (May 12, 2005). Copy supplied.

*Reciprocal Partnerships: Hearing on H.502 Before the H. Comm. on Judiciary*, 2001 – 2002 Gen. Assemb. (Vt. Apr. 3, 2001) (statement of Beth Robinson, Attorney, Middlebury). Recording supplied. My remarks are available on recording 2001-146 and run from Track 1, 22:57 to the end of Track 1.

*Reciprocal Partnerships: Hearing on H.502 Before the H. Comm. on Judiciary*, 2001 – 2002 Gen. Assemb. (Vt. Jan. 16, 2001) (statement of Beth Robinson, Attorney, Middlebury). Recording supplied. My remarks are available on recording 2001-9, from Track 1, 29:00 to the end of Track 1, as well as on recording 2001-10, from Track 1, 00:00 to Track 2, 13:04.

*Legal Status of Same Gender Couples: Informational Forum Before the J. Comm. on Judiciary*, 2001 Leg. (Conn. Mar. 16, 2001) (statement of Beth Robinson, Attorney, Middlebury). Transcript supplied.

*Letter to Commissioner of Vermont Department of Banking, Insurance, Securities, and Health Care Administration* (Vt. Aug. 18, 2000). Copy supplied.

*Civil Unions: Hearing on H.847 Before the S. Comm. on Judiciary*, 1999 – 2000 Gen. Assemb., Adj. Sess. (Vt. Apr. 19, 2000) (statement of Beth Robinson, Attorney, Middlebury). Recording supplied. My remarks are available on recording 95(A) and run from Track 1, 9:13 to Track 1, 10:07.



*Civil Unions: Hearing on H.847 Before the S. Comm. on Judiciary, 1999 – 2000 Gen. Assemb., Adj. Sess. (Vt. Apr. 13, 2000)* (statement of Beth Robinson, Attorney, Middlebury). Recording supplied. My remarks are available on recording 91(B), from Track 1, 27:39 to Track 1, 54:45, as well as on recording 93(A), from Track 1, 23:00 to Track 1, 23:46.

*Civil Unions: Hearing on H.847 Before the S. Comm. on Judiciary, 1999 – 2000 Gen. Assemb., Adj. Sess. (Vt. Apr. 12, 2000)* (statement of Beth Robinson, Attorney, Middlebury). Recording supplied. My remarks are available on recording 89(A), and run from Track 1, 04:28 to Track 1, 23:24.

*Civil Unions: Hearing on H.847 Before the S. Comm. on Judiciary, 1999 – 2000 Gen. Assemb., Adj. Sess. (Vt. Apr. 11, 2000)* (statement of Beth Robinson, Attorney, Middlebury). Recording supplied. My remarks are available on recording 86(B), from Track 1, 24:30 to Track 1, 51:04, as well as on recording 87(A), from Track 1, 00:00 to Track 1, 19:05.

*Civil Unions: Hearing on H.847 Before the S. Comm. on Judiciary, 1999 – 2000 Gen. Assemb., Adj. Sess. (Vt. Apr. 5, 2000)* (statement of Beth Robinson, Attorney, Middlebury). Recording supplied. My remarks are available on recording 76(A), from Track 1, 30:05 to Track 1, 55:30, as well as on recording 76(B), from Track 1, 00:00 to Track 1, 32:48.

*Civil Unions: Hearing on H.847 Before the S. Comm. on Judiciary, 1999 – 2000 Gen. Assemb., Adj. Sess. (Vt. Mar. 23, 2000)* (statement of Beth Robinson, Attorney, Middlebury). Recording supplied. My remarks are available on recording 63(B), from Track 1, 12:00 to Track 1, 50:38, as well as on recording 66(A), from Track 1, 00:00 to Track 1, 11:00.

*Civil Unions: Hearing on H.847 Before the S. Comm. on Judiciary, 1999 – 2000 Gen. Assemb., Adj. Sess. (Vt. Mar. 22, 2000)* (statement of Beth Robinson, Attorney, Middlebury). Recording supplied. My remarks are available on recording 58(B) and run from Track 1, 19:48 to Track 1, 50:02.

*Civil Unions: Hearing on H.847 Before the H. Comm. on Ways & Means, 1999 – 2000 Gen. Assemb., Adj. Sess. (Vt. Feb. 21, 2000)* (statement of Beth Robinson, Attorney, Middlebury). Recording supplied. My remarks are available on recording 55(B), from Track 1, 33:39 to Track 1, 51:15, as well as on recording 56(A), from Track 1, 00:00 to Track 1, 25:00.

*Civil Unions: Hearing on H.847 Before the H. Comm. on Judiciary, 1999 – 2000 Gen. Assemb., Adj. Sess. (Vt. Feb. 4, 2000)* (statement of Beth Robinson, Attorney, Middlebury). Recording supplied. My remarks are available on recording 41(B) and run from Track 1, 05:35 to Track 1, 47:48.

*Civil Unions: Hearing on H.847 Before the H. Comm. on Judiciary, 1999 – 2000 Gen. Assemb., Adj. Sess. (Vt. Jan. 13, 2000)* (statement of Beth Robinson, Attorney, Middlebury). Recording supplied. My remarks are available on recording 11(A), and run from Track 1, 41:34 to Track 1, 49:34.

*Civil Unions: Hearing on H.847 Before the H. Comm. on Judiciary, 1999 – 2000 Gen. Assemb., Adj. Sess. (Vt. Jan. 11, 2000)* (statement of Beth Robinson, Attorney, Middlebury). Recording supplied. My remarks are available on recording 9(A), and run from Track 1, 27:27 to the end of Track 1.

Paid Print Ad, We're Vermonters. We Support Civil Rights for Gay/Lesbian Couples, Vermont Freedom to Marry Task Force, Burlington Free Press (Feb. 25, 2000) (published in multiple outlets). I co-signed a paid political advertisement advocating the freedom to marry for same-gender couples. Copy supplied.

In 1996, I testified before the Vermont Human Rights Commission in an effort to secure the Commission's support for the freedom to marry. I have no notes, transcript, or recording of the testimony.

*S. 136 Public Hearing* (Vt. Mar. 15, 1995). I testified as a member of the public in a public hearing concerning an adoption reform bill before the Vermont legislature. I have no notes, transcript, or recording.

Before I began serving on the Vermont Supreme Court in 2011, I may have testified before other Vermont legislative committees in the context of proposed legislation relating to Vermont's workers' compensation laws. I have no recollection or records of any specific occasions.

Over the years, before I was appointed to serve on the Vermont Supreme Court, I also periodically wrote letters to legislative and executive branch leaders in state and federal governments about various matters of interest. I have no memory or record of any particular letters other than those listed above.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The list of responsive events below is based on a search of my files and other electronic databases. It is possible that there are other events I have no record of and was not able to identify. In some cases, I have estimated the date of the event

based on the date-stamp on the document reflecting my notes.

In addition to the specific presentations and panels noted below, the Vermont Supreme Court sometimes has school groups attend our oral arguments, and we have held our arguments at Vermont Law School and various high schools around the state. We typically conduct question and answer sessions with the students after the arguments. Except as noted below, I have no specific records of the dates of these question and answer sessions, and no notes, transcripts, or recordings.

March 9, 2021: Guest Speaker, “Virtual Fireside Chat,” Washington University Law School, St. Louis, Missouri. I conducted a virtual question and answer session with law students at Washington University Law School. I have no notes, transcript, or recording. The address for Washington University Law School is 1 Brookings Drive, St. Louis, Missouri, 63130.

February 8, 2021: Panelist, “The Freedom to Marry in Vermont – A Case Study in the Relationship Between Advocacy, Courts, and the Political Branches,” Snelling Center for Government, Vermont Leadership Institute, Montpelier, Vermont. Notes supplied.

January 21, 2021: Guest Speaker, “Zoom Fireside Chat,” Dartmouth Gay, Lesbian, Bisexual, and Transgender Alumni/ae Association (DGALA), Dartmouth Lawyers’ Association, and Women of Dartmouth, Hanover, New Hampshire. Video supplied.

December 2020 (date unknown): Presenter, Virtual Award Ceremony for the Fourth Annual Vermont Bar Association Martin Luther King, Jr. Middle School Poster Essay Contest. Video available at <https://www.youtube.com/watch?v=1tGYB89EWc8>. My remarks begin at 6:20.

September 17, 2020: Virtual Panelist, “Becoming a State Supreme Court Justice: A Conversation With the Hon. Beth Robinson ’86 and the Hon. Anne Patterson ’80 of New Jersey,” Dartmouth Lawyers’ Association, Women of Dartmouth, and Dartmouth Gay, Lesbian, Bisexual, and Transgender Alumni/ae Association, Hanover, New Hampshire. Video available at <https://dartmouth.hosted.panopto.com/Panopto/Pages/Viewer.aspx?id=153f0528-4248-48db-903d-acd7003327d1>.

July 16, 2020: Virtual Panelist, “Bostock and Zarda: A Report from the Trenches,” Vermont Bar Association. Video available at <https://vimeopro.com/user6641730/emp0720/video/440312077>.

April 1, 2020: Panelist, Outright Vermont, Leadership Day, Burlington, Vermont. Video available at <https://vimeo.com/412339170>.

February 28, 2020: Mock Trial Judge, “What’s the Verdict?,” Addison Central School District Youth Citizen Summit. This was a mock trial with fifth graders serving as parties, witnesses, and jurors. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Addison Central Supervisory Union is 49 Charles Avenue, Middlebury, Vermont 05753.

February 3, 2020: Panelist, “Judiciary Nuts and Bolts,” Snelling Center for Government, Vermont Leadership Institute, Montpelier, Vermont. PowerPoint supplied.

November 16, 2019: Keynote Speaker, Stonewall at 50 Conference, Vermont Law School, Burlington, Vermont. Notes supplied.

November 14, 2019: Panelist, Baker v. State of Vermont, 20th Anniversary, Norwich University, Northfield, Vermont. Outline supplied.

October 23, 2019: Speaker, Admission Ceremony for Newly Sworn Members of the Vermont Bar, Montpelier, Vermont. Notes supplied.

September 16, 2019: Panelist, “Free Speech, Free Press, Free Society,” Vermont Bar Association, Constitution Day, South Royalton, Vermont. Video available at <https://livestream.com/vermontlawschool/events/8815565/videos/196402893>.

August 8, 2019: Panelist, “What We Can Learn From the Historic Role of State Courts in Relationship Recognition,” LGBT Bar Lavender Law Conference, Philadelphia, Pennsylvania. Notes supplied.

March 2, 2019: Moderator, “Supreme Court Practice, Then and Now,” Dartmouth College Case Symposium, Dartmouth College, Hanover, New Hampshire. Video available at <https://www.youtube.com/watch?v=9kVmUGr3Quw>.

March 1, 2019: Mock Judge, Reenactment of “The Dartmouth College Case,” Dartmouth College Case Symposium, Dartmouth College, Hanover, New Hampshire. Video available at <https://www.youtube.com/watch?v=75zOxP8AzZg>.

February 15, 2019: Mock Trial Judge, “What’s the Verdict?,” Addison Central School District Youth Citizen Summit. I have no notes, transcript, or recording, but press coverage is supplied. This was a mock trial with fifth graders serving as parties, witnesses, and jurors. The address of the Addison Central Supervisory Union is 49 Charles Avenue, Middlebury, Vermont 05753.

February 4, 2019: Panelist, “Vermont Judiciary Basic Nuts and Bolts,” Snelling Center for Government, Vermont Leadership Institute, Montpelier, Vermont. PowerPoint supplied. (The date on first PowerPoint slide says February 2018, but I used this slide deck in 2019, as well.)

December 12, 2018: Panelist, “Women in the Judiciary,” Vermont Bar Association, Burlington, Vermont. I participated in a panel of women judges in state and federal courts in Vermont. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Vermont Bar Association is P.O. Box 100, Montpelier, Vermont 05601.

October 16, 2018: Panelist, Vermont Supreme Court Questions and Answers, Proctor High School, Proctor, Vermont. Along with the other members of the Vermont Supreme Court, I participated in a question and answer session with students who attended our oral arguments at a Vermont high school. I have no notes, transcript, or recording, but press coverage is supplied. The address for Proctor High School is 4 Park Street, Proctor, Vermont 05765.

September 17, 2018: Panelist, “Judicial Review & Legislative Response,” Constitution Day: Separation of Powers, Vermont Bar Association, South Royalton, Vermont. Video available at <https://vimeopro.com/user6641730/2018-vba-master-videos-constitution-day>.

August 21, 2018: Speaker, New Student Orientation, Vermont Law School, South Royalton, Vermont. Video available at <https://youtu.be/z2IEOIf8asY> (my remarks begin at approximately 1:10:30).

April 5, 2018: Panelist, Questions and Answers with Vermont Supreme Court Justices Following Oral Arguments, Vermont Law School, South Royalton, Vermont. Video available at <https://www.youtube.com/watch?v=xwf2SiEGr8w>.

April 1, 2018: Speaker, National Women’s and Gender Minority Debate, Burlington, Vermont. Notes supplied.

February 5, 2018: Panelist, “Vermont Judiciary Basic Nuts and Bolts,” Vermont Leadership Institute, Snelling Center for Government, Montpelier, Vermont. PowerPoint supplied.

November 20, 2017: Speaker, “The Vermont Freedom to Marry Movement,” Fjord, San Francisco, California. Notes supplied.

July 13, 2017: Speaker, “Inside the Mind of a Judge,” Elderly Services College, Middlebury, Vermont. PowerPoint supplied.

April 24, 2017: Guest Lecturer, Criminal Law Class and Civil Law Class, Principia Upper School, St. Louis, Missouri. PowerPoints supplied.

February 20, 2017: Panelist, “The Appeal of State Courts,” Yale Law School, New Haven, Connecticut. I joined retired Chief Justice Margaret Marshall of Massachusetts and a former law clerk of hers in a panel discussion about state

courts. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut, 06511.

February 20, 2017: Speaker, "The Freedom to Marry Movement Before Goodridge: Stories from Vermont," Yale Law School, New Haven, Connecticut. I provided a historical perspective on the freedom to marry movement in Vermont. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut, 06511.

February 20, 2017: Speaker, Question and Answer Session, Yale OutLaws, Yale Law School, New Haven, Connecticut. I met with students for informal conversation at a gathering at Yale Law School hosted by Yale Outlaws. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut, 06511.

February 6, 2017: Panelist, "Vermont Judiciary Basic Nuts and Bolts," Vermont Leadership Institute, Snelling Center for Government, Montpelier, Vermont. PowerPoint supplied. (The date on the first slide in the PowerPoint says 2016, but this is the PowerPoint I used in 2017.)

January 21, 2017: Speaker, "The United States Constitution: Ever Relevant," Platt Memorial Library, Shoreham, Vermont. PowerPoint supplied.

January 18, 2017: Moderator of Law Student Panel, "Out of the Zoos and Into the Courts: The Law and Non-Human Animals," Joan Loring Wing Inns of Court, Rutland, Vermont. Notes supplied.

October 17, 2016: Panelist, "Helping Library Clients Cope with Legal Problems," Vermont Library Association. PowerPoint supplied.

September 30, 2016: Panelist, "Pet Ownership and Abandonment," Vermont Bar Association Pet Law Day, South Burlington, Vermont. Notes supplied.

September 21, 2016: Panelist, "The Bill of Rights," Vermont Bar Association, Constitution Day, Burlington, Vermont. Video available at [https://player.vimeo.com/external/184875575.hd.mp4?s=9683fc697c9a53896367f6da4cf3f38569510b75&profile\\_id=174](https://player.vimeo.com/external/184875575.hd.mp4?s=9683fc697c9a53896367f6da4cf3f38569510b75&profile_id=174).

July 18, 2016: Panelist, "Access to Justice from the Perspective of the Judiciary," Legal Services Corporation Annual Meeting, Burlington, Vermont. I participated in a panel relating to access to justice issues in courts. I have no notes, transcript, or recording. The address for Legal Services Corporation is 3333 K Street, Northwest, Washington, District of Columbia, 20007.

March 5, 2016: Judge, Vermont American Legion Oratorical Speech Finals, Middlebury, Vermont. I served as a judge for a high school speech



competition. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Vermont American Legion is 126 State Street, Montpelier, Vermont 05602.

February 24, 2016: Panelist, "Why Do State Supreme Courts Matter to You? A Conversation With Alumni State Supreme Court Justices," Rockefeller Center, Dartmouth College, Hanover, New Hampshire. Video available at <https://www.youtube.com/watch?v=zgUwhTUdH6A>.

February 8, 2016: Panelist, "Vermont Judiciary Nuts and Bolts," Vermont Leadership Institute, Snelling Center for Government, Montpelier, Vermont. I have no notes, transcript or recording, but the presentation would have been substantially similar to the one on February 6, 2017, which is supplied.

February 2, 2016: Moderator, "Same-Sex Marriage: State Supreme Courts Navigating the SCOTUS Ruling," Conference of Chief Justices, Annual Meeting. Notes and PowerPoint supplied.

November 14, 2015: Panelist, Question and Answer Session Following Screening of *The State of Marriage*, Indianapolis LGBT Film Festival, Indianapolis, Indiana. I answered questions from the audience following a screening of the documentary *The State of Marriage* at this film festival. I have no notes, transcript, or recording. I am unable to locate a mailing address for the Indianapolis LGBT Film Festival.

September 25, 2015: Panelist, Panel Discussion Following Screening of *The State of Marriage*, Burlington, Vermont. Video available at <https://www.youtube.com/watch?v=dKsabuxTry8>.

April 27, 2015: Panelist, Panel on State Court Systems, University of Chicago Law School, Chicago, Illinois. I participated on a panel of state supreme court justices speaking about the importance of state courts. I have no notes, transcript, or recording. The address for the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois, 60637.

April 27, 2015: Moot Judge, University of Chicago Law School, Chicago, Illinois. I served as a judge in the finals of the University of Chicago Law School moot court competition. I have no notes, transcript, or recording. The address for the University of Chicago is 1111 East 60th Street, Chicago, Illinois 60637.

March 14, 2015: Speaker, Reflections Following Screening of *The Loving Story*, American Association of University Women (AAUW), Bennington, Vermont. I spoke to the audience following a screening of the documentary "The Loving Story" regarding the history of the freedom to marry movement for same-sex couples in Vermont. I have no notes, transcript, or recordings, but press coverage is supplied. The address for AAUW is 1310 L Street, Northwest, Suite 1000,

Washington, District of Columbia 20005.

February 9, 2015: Panelist, Panel on the Vermont Judicial System, Vermont Leadership Institute, Snelling Center for Government, Montpelier, Vermont. Notes supplied.

January 17, 2015: Panelist, "Ten Tips for an Effective Printed Case," A Very Appealing CLE, Vermont Bar Association, Young Lawyers' Division, Mid-Winter Chill, Montreal, Canada. Notes (which also served as written materials) supplied.

October 22, 2014: Speaker, Admission Ceremony for Newly Sworn Members of the Vermont Bar, Montpelier, Vermont. Notes supplied.

September 19, 2014: Panelist, "VBA Women's Division & the Cause it Champions," Vermont Bar Association Annual Meeting, Killington, Vermont. I sat on a panel about women in the legal profession in Vermont. I have no notes, transcript, or recording. The address for the Vermont Bar Association is P.O. Box 100, Montpelier, Vermont 05601.

September 12, 2014: Keynote Speaker, "Narrative in Legal Argument," New England Consortium of Legal Writing Teachers Conference, Vermont Law School, South Royalton, Vermont. Notes supplied.

August 18, 2014: Speaker, New Student Orientation, Vermont Law School, South Royalton, Vermont. Notes supplied.

May 17, 2014: Commencement Speaker, Vermont Law School, South Royalton, Vermont. Notes supplied.

May 9, 2014: Keynote Address, Vermont Association for Justice Annual Meeting, Burlington, Vermont. Notes supplied.

May 9, 2014: Panelist, "Ten Tips for an Effective Printed Case," Appellate Advocacy Seminar, Vermont Association for Justice, Burlington, Vermont. Notes (which also served as written materials) supplied.

April 11, 2014: Moot Judge, Williams Institute, Los Angeles, California. I have no notes, transcript, or recording. I served as a judge in the finals of the Williams Institute national moot court competition. The address for the Williams Institute is 1060 Veteran Ave, Suite 134, Los Angeles, California 90095.

April 10, 2014: Keynote Speaker, Panel: "Life After Windsor," Sex, Gender, Expression and the First Amendment Series, Vermont Law School, South Royalton, Vermont. Video available at <https://vimeo.com/97778001>.



February 10, 2014: Panelist, Discussion About Vermont Judiciary, Vermont Leadership Institute, Snelling Center for Government, Montpelier, Vermont. I participated in a panel presenting information about Vermont courts to participants in the Vermont Leadership Institute. I have no notes, transcript, or recording. The address for the Snelling Center is White Cap, 426 Industrial Avenue, Suite 134, Williston, Vermont 05495.

December 4, 2013: Speaker, Leadership Southeast Vermont, Montpelier, Vermont. Notes supplied.

May 31, 2013: Keynote Address, Guen Gifford Advocate Training, Law Line of Vermont, South Royalton, Vermont. Notes supplied.

April 22, 2013: Speaker, "Storytelling in the Law," Dorothy Alling Memorial Library "Story Crafters" Series, Williston, Vermont. Notes supplied.

March 4, 2013: Guest Speaker, "Marriage Equality: Public Interest Lawyering from the Private Sector," New York University Law School Leaders in the Public Interest Series, New York, New York. Notes supplied.

October 25, 2012 (approximately): Speaker, Vermont Pro Bono Conference, Vermont Bar Foundation, Montpelier, Vermont. Notes supplied.

May 2012 (date unknown): Commencement Speaker, Burlington College, Burlington, Vermont. Notes supplied.

May 12, 2012: Commencement Speaker, Johnson State College, Johnson, Vermont. Notes supplied.

May 2012 (date unknown): Speaker, Vermont Paralegal Association, Burlington, Vermont. Notes supplied.

Spring 2012 – 2021 (most years): Moot Judge, Debevoise Moot Court Competition, Vermont Law School, Montpelier, Vermont. I generally have no notes, transcripts, or recordings, but video of the 2017 argument is available at <https://www.youtube.com/watch?v=6un8M6E8B7E>.

November 28, 2011: Speaker, Swearing-in of Justice Beth Robinson, Vermont Supreme Court, Montpelier, Vermont. Video supplied.

May 2011 (date unknown): Moot Judge, Professor Cheryl Hanna's Constitutional Law Class, Vermont Law School, South Royalton, Vermont. Video available at <https://www.youtube.com/watch?v=qCiGZbEPgsI>.

February 17, 2011: Speaker, *Public Records Law*, Vermont Press Association, Vermont. In my capacity as counsel to the Governor, I joined Governor Shumlin

in addressing a gathering of Vermont journalists. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Vermont Press Association is 169D JeanMarie Hall, St. Michael's College, 22 Campus Road, Colchester, Vermont 05439.

November 3, 2010: Speaker, "Workers' Compensation Claims," Vermont Paralegal Organization, Burlington, Vermont. PowerPoint and handout supplied.

August 5, 2010: Panelist, "Same-Sex Marriage – Moving Beyond State Courts," ABA Annual Meeting Continuing Legal Education Presentation, San Francisco, California. Notes and press coverage supplied.

June 9, 2010: Speaker, "The Freedom to Marry for Same-Sex Couples: Vermont's Historic Role," United States Department of Agriculture Diversity Day, Waterbury, Vermont. PowerPoint supplied.

May 14, 2010: Speaker, "Building a Movement from the Grassroots to Achieve Great Things!: An Evening with Beth Robinson," Addison County Democratic Committee, Middlebury, Vermont. I spoke about the freedom to marry movement in Vermont. I have no notes, transcript, or recording. The address for the Vermont Democratic Party, of which the Addison County Democratic Committee is a committee, is P.O. Box 1220, Montpelier, Vermont 05601.

April 27, 2010: Speaker, "The Freedom to Marry in Vermont: 1995 – 2009," Gaypril Celebration, Hosted by LGBTQA Student Group, Middlebury College, Middlebury, Vermont. I spoke about the freedom to marry movement in Vermont. I have no notes, transcript, or recording. The address for Middlebury College is 14 Old Chapel Road, Middlebury, Vermont 03755.

April 16, 2010: Panelist, "The Law and Politics of Marriage Equality: Vermont, the Nation and the World," University of Vermont, Burlington, Vermont. Recording available at [https://archive.vpr.org/vpr-presents/vpr-presents-a-discussion-of-civil-unions/?\\_sf\\_s=Beth+Robinson](https://archive.vpr.org/vpr-presents/vpr-presents-a-discussion-of-civil-unions/?_sf_s=Beth+Robinson).

April 1, 2010: Guest Lecturer, Aging in Modern Society, University of Vermont, Burlington, Vermont. Notes supplied.

October 23, 2009: Speaker and Honoree, Spirit of Justice Awards, Gay & Lesbian Advocates & Defenders, Boston, Massachusetts. Video available at <https://www.youtube.com/watch?v=3nt336OPvlo> and <https://www.youtube.com/watch?v=CHtpaRdevYM>.

October 22, 2009: Panelist, "Civil Unions to Marriage," Gay & Lesbian Advocates & Defenders, Boston, Massachusetts. Recording available at: <https://www.youtube.com/watch?v=aEj5KkyiiVQ>, <https://www.youtube.com/watch?v=SlGFjIurfz0>,

<https://www.youtube.com/watch?v=Vis3-2pyj9g>, and  
<https://www.youtube.com/watch?v=NONL829JLOw>.

April 30, 2009: Moderator, "State Supreme Court Justices Discuss Marriage for Same-Sex Couples," Dartmouth Lawyers Association Law Day, Dartmouth College, Hanover, New Hampshire. Video available at <https://www.youtube.com/watch?v=T5WuukO9QG0>.

April 7, 2009: I spoke at a Vermont Statehouse gathering in Montpelier, Vermont following the Vermont House's veto override vote, resulting in the passage of Vermont's marriage law. Video supplied.

April 2, 2009: I spoke at a Vermont Statehouse gathering in Montpelier, Vermont following the Vermont House's vote on the Vermont marriage bill. Video supplied.

March 29, 2009: Speaker, Marriage Equality Rally, Middlebury, Vermont. I spoke at a rally in support of marriage equality at St. Stephens Church in Middlebury, Vermont. I do not recall what organization or organizations sponsored the event. I have no notes, transcript, or recording.

January 23, 2009: Speaker, "Gay Rights as Civil Rights," Dartmouth College, Hanover, New Hampshire. I spoke about the freedom to marry. I have no notes, transcript, or recording, but press coverage is supplied. The address for Dartmouth College is Parkhurst Hall, Hanover, New Hampshire, 03755.

September 26, 2008: Presenter, "Same-Sex Couples, Civil Unions, and Marriage in Vermont," Vermont Bar Association, Vermont (city unknown). I spoke about the freedom to marry. I have no notes, transcript, or recording. The address for the Vermont Bar Association is P.O. Box 100, Montpelier, Vermont 05601.

April 26, 2008: Speaker, House Party Sponsored by Vermont Freedom to Marry Task Force, Thetford, Vermont. I spoke about the freedom to marry at a gathering at Thetford First Congregational Church. I have no notes, transcript, or recording, but press coverage is supplied. The Vermont Freedom to Marry Task Force is now dissolved and no longer has an address.

January 17, 2008: Speaker, Central Vermont Peace and Justice, Rutland, Vermont. I spoke about the freedom to marry. I have no notes, transcript, or recording, but press coverage is supplied. I am unable to locate a physical address for Central Vermont Peace and Justice.

November 28, 2007: Presenter, "Civil Unions in Vermont," Lorman Education Services, Vermont (city unknown). I taught a continuing legal education session about civil unions. I have no notes, transcript, or recording. The address for Lorman Education Services is 2510 Alpine Road, Eau Claire, Wisconsin 54703.

June 25, 2007: Presenter, "Freedom to Marry Update," Women in Medicine Conference, Burlington, Vermont. I presented an update on the freedom to marry. I have no notes, transcript, or recording. The address for the Women in Medicine Conference is P.O. Box 107, Colchester, Vermont 05446.

June 10, 2007: Speaker, "Marriage Rights in Vermont – What's Next?," North Universalist Chapel Society, Woodstock, Vermont. I presented an update on the freedom to marry. I have no notes, transcript, or recording. The address for the North Universalist Chapel Society is 7 Church Street, Woodstock, Vermont 05091.

April 30, 2007: Speaker, "Freedom and Unity Tested: The Ongoing Freedom to Marry Debate in Vermont," Bennington, Vermont. I spoke about the freedom to marry in Vermont. I do not recall who sponsored the event. I have no notes, transcript, or recording.

April 30, 2007: Guest Lecturer, Guest Lecture Series, Bennington College, Bennington, Vermont. I spoke about the freedom to marry. I have no notes, transcript, or recording. The address for Bennington College is 1 College Drive, Bennington, Vermont 05201.

January 30, 2007: Presenter, "Workers' Compensation Hearings: Techniques and Strategies for Success," National Business Institute, Burlington, Vermont. Handout supplied.

October 8, 2006: Speaker, "Moving Forward to Full Equality," Champlain Valley Unitarian Universalist Society, Middlebury, Vermont. I spoke about the freedom to marry. I have no notes, transcript, or recording. The address for the Champlain Valley Unitarian Universalist Society is 2 Duane Court, Middlebury, Vermont 05753.

June 11, 2006: Speaker, "Moving Forward to Full Equality," First Church, Barre, Vermont. I spoke about the freedom to marry. I have no notes, transcript, or recording. The address for the First Church is 19 Church Street, Barre, Vermont 05641.

May 16, 2006: Speaker, "The Case for Same-Sex Marriage," American Association of University Women (AAUW), Bennington Chapter, Bennington, Vermont. I spoke about the freedom to marry. I have no notes, transcript, or recording. The address of AAUW is 1310 L Street, Northwest, Suite 1000, Washington, District of Columbia 20005.

February 24, 2006: Guest Lecturer, Philosophy of Law, Dartmouth College, Hanover, New Hampshire. I spoke about the freedom to marry. I have no notes, transcript, or recording. The address for Dartmouth College is Parkhurst Hall,

Hanover, New Hampshire 03755.

October 31, 2005: Presenter, "Legal Issues Facing GLBTQ People," Faculty Training, University of Vermont, Burlington, Vermont. I spoke about legal issues confronted by gay, lesbian, bisexual, transgender, and other queer people. I have no notes, transcript, or recording. The address for the University of Vermont is 85 South Prospect Street, Burlington, Vermont 05405.

September 29, 2005: Presenter, Adjuster's Conference, Vermont Department of Labor, South Burlington, Vermont. Handout supplied.

March 17, 2005: Panelist, "The Constitution and *Roe v. Wade*," Reproducing Women's Rights, Vermont Law School, South Royalton, Vermont. I participated in a panel about *Roe v. Wade*. I have no notes, transcript, or recording. The address for Vermont Law School is 164 Chelsea Street, South Royalton, Vermont 05068.

February 25, 2005: Presenter, "Workers' Compensation From the Claimant's Perspective," Vermont Trial Lawyer's Association (now known as Vermont Association for Justice), Vermont (city unknown). Handout supplied.

February 3, 2005: Presenter, "Advanced Workers' Compensation in Vermont," National Business Institute, Burlington, Vermont. Handout supplied.

November 11, 2004: Panelist, "The Limits and Worth of Same-Sex Marriage," Dartmouth College, Hanover, New Hampshire. I participated in a panel discussion about the freedom-to-marry movement. I have no notes, transcript, or recording. The address for Dartmouth College is Parkhurst Hall, Hanover, New Hampshire 03755.

November 11, 2004: Guest Lecturer, Course: "Feminist Legal Theory and Practice," Dartmouth College, Hanover, New Hampshire. I spoke about the freedom to marry. I have no notes, transcript, or recording. The address for Dartmouth College is Parkhurst Hall, Hanover, New Hampshire 03755.

November 10, 2004: Guest Lecturer, Course: "Race and Culture," University of Vermont, Burlington, Vermont. I spoke about the freedom to marry. I have no notes, transcript, or recording. The address of the University of Vermont is 85 South Prospect Street, Burlington, Vermont 05405.

October 21, 2004: Panelist, "The Politics of Gay Marriage," University of Michigan Institute for Research on Women and Gender, University of Michigan, Ann Arbor, Michigan. Recording supplied.

October 6, 2004: Guest Lecturer, Seminar: "Making the Case for Same-Sex Marriage," John F. Kennedy School of Government, Institute of Politics,

Cambridge, Massachusetts. I spoke about the freedom to marry. I have no notes, transcript, or recording. The address for the John F. Kennedy School of Government is 79 John F. Kennedy Street, Cambridge, Massachusetts 02138.

September 9, 2004: Speaker, "Civil Rights and the Constitutional Amendment," Vermont Law School, South Royalton, Vermont. I spoke about the freedom to marry. I have no notes, transcript, or recording, but press coverage is supplied. The address for Vermont Law School is 164 Chelsea Street, South Royalton, Vermont 05068.

May 21, 2004: Panelist, "The M Word," Dartmouth College, Hanover, New Hampshire. I spoke about the freedom to marry. I have no notes, transcript, or recording, but press coverage is supplied. The address for Dartmouth College is Parkhurst Hall, Hanover, New Hampshire 03755.

May 20, 2004: Presenter, Adjuster's Conference, Vermont Department of Labor, Burlington, Vermont. Handout supplied.

April 20, 2004: Speaker, Sigma Delta Sorority, Dartmouth College, Hanover, New Hampshire. I spoke about the freedom to marry. I have no notes, transcript, or recording, but press coverage is supplied. The address for Sigma Delta is 10 West Wheelock Street, Hanover, New Hampshire 03755.

April 2, 2004: Panelist, "Settling Personal Injury Cases," Vermont Trial Lawyers Association (now known as Vermont Association for Justice), Burlington, Vermont. Handout supplied.

March 12, 2004: Speaker, Forum on Same-Sex Marriage, Unitarian Universalist Church, Burlington, Vermont. Video supplied (my remarks begin around 11:59).

February 19, 2004: Guest Lecturer, Course: "Race and Culture," University of Vermont, Burlington, Vermont. I spoke about the freedom to marry. I have no notes, transcript, or recording. The address for the University of Vermont is 85 South Prospect Street, Burlington, Vermont 05405.

February 13, 2004: Keynote Speaker, "Equal Relationships, Equal Rights," Kentucky Fairness Alliance, Lexington, Kentucky. I spoke about the freedom to marry. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Kentucky Fairness Alliance is 2263 Frankfort Avenue, Louisville, Kentucky 40206.

February 13, 2004: Panelist, Educational Seminar for Same-sex Couples Sponsored by the Kentucky Fairness Alliance, Lexington Public Library, Lexington, Kentucky. I have no notes, transcript, or recordings, but press coverage is supplied. The address for the Kentucky Fairness Alliance is 2263 Frankfort Avenue, Louisville, Kentucky 40206.

February 12, 2004 (approximately): Speaker, “Vermont Civil Unions—For Better or For Worse,” University of Kentucky Law School, Lexington, Kentucky. I spoke about the Vermont civil union law and the freedom to marry. I have no notes, transcript, or recording. The address for the University of Kentucky Law School is 620 South Limestone, Lexington, Kentucky 40508.

February 11, 2004: Speaker, “Vermont Civil Unions—For Better or For Worse,” University of Louisville Law School, Louisville, Kentucky. I spoke about the Vermont civil union law and the freedom to marry. I have no notes, transcript, or recording, but press coverage is supplied. The address for the University of Louisville Law School is 2301 South Third Street, Louisville, Kentucky 40208.

September 17, 2003: Presenter, “Introduction to Workers’ Compensation in Vermont,” Lorman Education Services, South Burlington, Vermont. Handout supplied.

July 20, 2003: Speaker, “Vermont Civil Unions: An Update,” Unitarian Universalist Congregation of the Upper Valley, Norwich, Vermont. I spoke about the Vermont civil union law and the freedom to marry. I have no notes, transcript, or recording. The address for the Unitarian Universalist Congregation of the Upper Valley is 320 US-5, Norwich, Vermont 05055.

June 26, 2003: Mock Oral Argument Participant, Vermont Judicial History Society, Montpelier, Vermont. I participated as a judge in a reenactment of a historic oral argument before the Vermont Supreme Court. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Vermont Judicial History Society is 44 East State Street, Montpelier, Vermont, 05601.

February 21, 2003: Panelist, Vermont Law Review Symposium, Vermont Law School, South Royalton, Vermont. I participated in a panel discussion about civil unions. I have no notes, transcript, or recording. The address for Vermont Law School is 164 Chelsea Street, South Royalton, Vermont 05068.

January 30, 2003: Presenter, “Advanced Workers’ Compensation in Vermont,” National Business Institute, Burlington, Vermont. Handout supplied.

October 14, 2002: Speaker, “Civil Unions in Vermont: For Better or for Worse,” Touro Law Center, Islip, New York. I spoke about the Vermont civil union law and the freedom to marry. I have no notes, transcript, or recording. The address for Touro Law Center is 225 Eastview Drive, Central Islip, New York 11722.

October 2, 2002: Keynote Speaker, Dartmouth Gay, Lesbian, Bisexual, and Transgender Alumni Association (DGALA) All-class Reunion. I gave a keynote address about the freedom to marry movement at a reunion at Dartmouth College.



I have no notes, transcript, or recording, but press coverage is supplied. The address for the Dartmouth Office of Alumni Relations is Blunt Alumni Center, 20 North Main Street, Hanover, New Hampshire 03755.

September 18, 2002: Presenter, "Introduction to Workers' Compensation in Vermont," Lorman Education Services, Vermont (city unknown). I gave a presentation about basic workers' compensation law in Vermont. I have no notes, transcript, or recording. The address for Lorman Education Services is 2510 Alpine Road, Eau Claire, Wisconsin 54703.

September 9, 2002: Speaker, School for International Training Social Change Conference, Brattleboro, Vermont. I gave a "case presentation" on the Vermont Freedom to Marry Task Force. I have no notes, transcript, or recording. The address for the School for International Training is 1 Kipling Road, Brattleboro, Vermont 05301.

Summer 2002 (approximate): Speaker, Fundraiser for Vermont Political Action Committee (most likely Vermonters for Civil Unions), Indianapolis, Indiana. I spoke about the Vermont freedom to marry movement as it related to the 2002 election. I believe the event was hosted by an ad hoc group of individuals rather than an organizational sponsor. I have no notes, transcript, or recording.

July 11, 2002: Keynote Address, "Vermont's Civil Union Struggle: Everyday Heroes and Unfinished Business," Women in Medicine Conference, Burlington, Vermont. I spoke about the enactment of Vermont's civil union law and the freedom to marry. I have no notes, transcript, or recording. The address for the Women in Medicine Conference is P.O. Box 107, Colchester, Vermont 05446.

March 22, 2002: Keynote Address, Michigan Journal of Gender & Law Symposium: Marriage Law: Obsolete or Cutting Edge?, University of Michigan Law School, Ann Arbor, Michigan. Transcript supplied.

March 21, 2002: Speaker, Affirmations Lesbian-Gay Community Center, Ferndale, Michigan. I spoke at a fundraiser benefitting the Vermont Fund for Families. I have no notes, transcript, or recording, but press coverage is supplied. The address for Affirmations is 290 West Nine Mile Road, Ferndale, Michigan 48220.

February 20, 2002: Guest Lecturer, Course: Gender Issues in Society, St. Michael's College, Colchester, Vermont. I spoke about Vermont's enactment of the civil union law and the freedom to marry. I have no notes, transcript, or recording. The address for St. Michael's College is One Winooski Park, Colchester, Vermont 05439.

February 16, 2002: Panelist, Freedom to Marry for Same-sex Couples, Rebellious Lawyering Conference, Yale Law School, New Haven, Connecticut. I spoke



about the freedom to marry movement. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

November 19, 2001: Honoree, National Organization for Women's Northeast Regional Strategy Summit, Fairlee, Vermont. I spoke about the Vermont civil union law and the freedom to marry. I have no notes, transcript, or recording, but press coverage is supplied. The address for the National Organization for Women is 1100 H Street, Northwest, Suite 300, Washington, District of Columbia 20005.

November 1, 2001: Presenter, "High Profile Cases and the Media," Media and the Law, Vermont Bar Association, Montpelier, Vermont. I spoke about engaging with the media as a lawyer in a high-profile case. I have no notes, transcript, or recording. The address for the Vermont Bar Association is P.O. Box 100, Montpelier, Vermont 05601.

October 18, 2001: Speaker, "The Vermont Civil Union Struggle," University of Denver Law School, Denver, Colorado. I spoke about the freedom-to-marry movement and the civil union law in Vermont. I have no notes, transcript, or recording. The address for the University of Denver Law School is 2255 East Evans Avenue, Denver, Colorado 80210.

October 5, 2001: Panelist, "Gay Rights v. Religious Liberty: Does the U.S. Constitution Allow for Both?," Conference on Sexual Orientation and the Law, Vermont Law School, South Royalton, Vermont. I spoke about religious liberty and gay rights. I have no notes, transcript, or recording. The address for Vermont Law School is 164 Chelsea Street, South Royalton, Vermont 05068.

June 19, 2001: Panelist, "Approaches to Resolving Dilemmas & Repairing Chasms," Center for Gender in Organizations, Simmons University, Boston, Massachusetts. To the best of my recollection, this panel involved strategies for making change, and I drew on my experience in the freedom-to marry-movement in Vermont. I have no notes, transcript or recording. The address for Simmons University is 300 The Fenway, Boston, Massachusetts 02115.

May 5, 2001: Presenter, "Civil Unions in Vermont," American Association of University Women of Vermont, Annual Convention, Montpelier, Vermont. I spoke about the civil union law in Vermont. I have no notes, transcript, or recording. The address for AAUW is 1310 L Street Northwest, Suite 1000, Washington, District of Columbia 20005.

April 25, 2001: I spoke at a gathering on the steps of the Vermont Statehouse in Montpelier, Vermont to celebrate the one-year anniversary of Vermont's civil union law. I spoke about the passage of the civil union law at an event sponsored by the Vermont Freedom to Marry Task Force. I have no notes, transcript, or recording, but press coverage is supplied. The Vermont Freedom to Marry Task

Force is now dissolved and no longer has an address.

March 26, 2001: Speaker, "Civil Unions in Vermont—For better or for Worse," Cornell University Law School, Ithaca, New York. I spoke about the freedom to marry movement in Vermont and Vermont's civil union law. I have no notes, transcript, or recording. The address for Cornell Law School is Myron Taylor Hall, Ithaca, New York 14853.

March 25, 2001: Speaker, "Civil Unions in Vermont," Empire State Pride Agenda, Annual Ithaca Bruch, Ithaca, New York. I spoke about the freedom-to-marry movement in Vermont and Vermont's civil union law. I have no notes, transcript, or recording. The Empire State Pride Agenda is now disbanded and no longer has a physical address.

March 1, 2001: Speaker, "Civil Unions in Vermont—For Better or for Worse," University of North Carolina Law School, Chapel Hill, North Carolina. I spoke about the freedom to marry movement in Vermont and Vermont's civil union law. I have no notes, transcript, or recording. The address for the University of North Carolina Law School is 160 Ridge Road, Chapel Hill, North Carolina 27514.

March 1, 2001: Guest Lecturer, Course: Family Law, Wake Forest University School of Law, Winston-Salem, North Carolina. I spoke about the freedom to marry movement in Vermont and Vermont's civil union law. I have no notes, transcript, or recording. The address for the Wake Forest University School of Law is 1834 Wake Forest Road, Winston-Salem, North Carolina 27109.

February 28, 2001: Speaker, "Civil Unions in Vermont—For Better or for Worse," Wake Forest University School of Law, Winston-Salem, North Carolina. I spoke about the freedom-to-marry movement in Vermont and Vermont's civil union law. I have no notes, transcript, or recording. The address for the Wake Forest University School of Law is 1834 Wake Forest Road, Winston-Salem, North Carolina 27109.

February 28, 2001: Speaker, "Changing Minds, Changing Times," Elon University, Elon, North Carolina. I spoke about the freedom-to-marry movement in Vermont and Vermont's civil union law. I have no notes, transcript, or recording. The address for Elon University is 50 Campus Drive, Elon, North Carolina 27244.

February 28, 2001: Guest Lecturer, Course: Rhetoric, Elon University, Elon, North Carolina. I spoke about the freedom-to-marry movement in Vermont and Vermont's civil union law. I have no notes, transcript, or recording. The address for Elon University is 50 Campus Drive, Elon, North Carolina 27244.

February 27, 2001: Speaker, "Civil Unions in Vermont: For Better or for Worse," Duke Law School, Durham, North Carolina. Video supplied.

February 20, 2001: Speaker, "Civil Unions in Vermont: For Better or for Worse," Gender and Justice Series, Dartmouth College, Hanover, New Hampshire. I spoke about the freedom-to-marry movement in Vermont and Vermont's civil union law. I have no notes, transcript, or recording, but press coverage is supplied. The address for Dartmouth College is Parkhurst Hall, Hanover, New Hampshire 03755.

February 7, 2001: Guest Lecturer, Course: "Gender Issues in Society," St. Michael's College, Colchester, Vermont. I spoke about the freedom- to-marry movement in Vermont and Vermont's civil union law. I have no notes, transcript, or recording. The address for St. Michael's College is One Winooski Park, Colchester, Vermont 05439.

February 3, 2001: Speaker, "Marriage Rights for Lesbian and Gay Couples: From Vermont to Montana," Montana Human Rights Network, Helena, Montana. I spoke about the freedom-to-marry movement in Vermont and Vermont's civil union law. I have no notes, transcript, or recording. The address for the Montana Human Rights Network is 100 North Last Chance Gulch, Helena, Montana 59601.

February 2, 2001: Speaker, "Marriage Rights for Lesbian and Gay Couples: From Vermont to Montana," University of Montana, Missoula, Montana. Video supplied (my remarks begin at approximately 10:40).

February 2, 2001: Speaker, "Same-Sex Marriage: For Better or Worse," University of Montana School of Law, Missoula, Montana. I spoke about the freedom-to-marry movement in Vermont and Vermont's civil union law. I have no notes, transcript, or recording. The address for the University of Montana Law School is 32 Campus Drive, Missoula, Montana 59812.

February 1, 2001: Speaker, "Marriage Rights for Lesbian and Gay Couples: From Vermont to Montana," Montana State University, Bozeman, Montana. I spoke about the freedom-to-marry movement in Vermont and Vermont's civil union law. I have no notes, transcript, or recording, but press coverage is supplied. The address for Montana State University is 100 Culbertson Hall, Bozeman, Montana 59717.

November 19, 2000: Speaker, "Working on a Controversial Case," Vermont Paralegal Organization, Burlington, Vermont. I spoke about strategies when working on a controversial case. I have no notes, transcript, or recording. The address for the Vermont Paralegal Organization is P.O. Box 5755, Burlington, Vermont 05402.

November 17, 2000: Guest Lecturer, Course: Bioethics, Community College of Vermont, Winooski, Vermont. I do not recall precisely the topic of my lecture

but assume that I spoke about the freedom to marry and Vermont's civil union law. I have no notes, transcript, or recording. The address for the Community College of Vermont is 1 Abenaki Way, Winooski, Vermont 05404.

October 25, 2000: Panelist, "Take Vermont Forward: A Discussion on Civil Unions," Castleton State College (now Castleton University), Castleton, Vermont. I participated in a panel discussion about Vermont's civil union law. I have no notes, transcript, or recording. The address for Castleton University is Castleton University, Castleton, Vermont 05735.

October 21, 2000: Panelist, Panel on Media Relations, Lavender Law Conference, National Lesbian and Gay Law Association, Washington, District of Columbia. I spoke about media relations in the context of advocacy for LGBTQ rights. I have no notes, transcript, or recording. The address for the National Lesbian and Gay Law Association (now called the National Lesbian, Gay, Bisexual, and Transgender Bar Association) is 1701 Rhode Island Avenue, Northwest, Washington, District of Columbia 20036.

October 21, 2000: Panelist, "Civil Rights Beyond Vermont," Lavender Law Conference, National Lesbian and Gay Law Association, Washington, District of Columbia. I spoke about the freedom to marry movement in Vermont and the civil union law. I have no notes, transcript, or recording. The address for the National Lesbian and Gay Law Association (now called the National Lesbian, Gay, Bisexual, and Transgender Bar Association) is 1701 Rhode Island Avenue, Northwest, Washington, District of Columbia 20036.

October 15, 2000: I spoke about the civil union law at a rally on the Vermont Statehouse Lawn in Montpelier, Vermont sponsored by Vermont for All Vermonters. I have no notes, transcript, or recording, but press coverage is supplied. I am unable to locate an address for Vermont for All Vermonters.

October 13, 2000: Panelist, Discussion About Civil Unions, Sexual Orientation & the Law Conference, Vermont Law School. I spoke about the civil union law. I have no notes, transcript or recording, but press coverage is supplied. The address for Vermont Law School is 164 Chelsea Street, South Royalton, Vermont 05068.

October 11, 2000: Speaker, "The Vermont Civil Union Struggle," National Coming Out Day, Harvard Medical School, Boston, Massachusetts. I spoke about the effort to enact Vermont's civil union law. I have no notes, transcript, or recording. The address for Harvard Medical School is 25 Shattuck Street, Boston, Massachusetts 02115.

September 16, 2000: Panelist, "The Consequences of Taking Sides in the Civil Unions Debate in Vermont," DePaul College of Law, Chicago, Illinois. I participated in a panel discussion with two Vermonters who had opposed the civil union law. I have no notes, transcript, or recording. The address for DePaul

College of Law is 25 East Jackson Boulevard, Chicago, Illinois 60604.

September 7, 2000: Speaker, North Country Coalition for Justice and Peace, St. Johnsbury, Vermont. I spoke about the freedom to marry and civil unions in Vermont. I have no notes, transcript, or recording. I am unable to locate an address for the North Country Coalition for Justice and Peace.

July 21, 2000: Presenter, "Workers' Compensation in Vermont," National Business Institute, Vermont (city unknown). I have no notes, transcript, or recording. The address for the National Business Institute is P.O. Box 3067, Eau Claire, Wisconsin 54702.

July 14, 2000: Speaker, "All About Vermont," Summer Meeting, Federation of Statewide LGBT Organizations, St. Louis, Missouri. I spoke about the freedom-to-marry movement and civil unions in Vermont. I have no notes, transcript, or recording. The address for the Federation of Statewide LGBT Organizations (now called the Equality Federation) is 818 Southwest Third Avenue, #141, Portland, Oregon 97204

June 22, 2000: Presenter, "Vermont's New Civil Union Law and Its Likely Impact on the Family Law Practitioner," Vermont Trial Lawyers Association, (city unknown), Vermont. I spoke about the freedom-to-marry movement and civil unions in Vermont. I have no notes, transcript, or recording. The address for the Vermont Trial Lawyers Association (now known as the Vermont Association for Justice) is 1 Kennedy Drive, South Burlington, Vermont 05403.

June 16, 2000: Panelist, "Same-Sex Marriage: What Has Vermont Been Smoking?," Dartmouth Class of 1970 Reunion, Dartmouth College, Hanover, New Hampshire. I spoke about the freedom-to-marry movement and civil unions in Vermont. I have no notes, transcript, or recording. The address for the Dartmouth Office of Alumni Relations is Blunt Alumni Center, 20 North Main Street, Hanover, New Hampshire 03755.

May 19, 2000: Panelist, "Sex and Family Law—Marriage, Adoption and Divorce," Burlington College Center for Legal Education, Burlington College, Burlington, Vermont. I spoke about marriage, Vermont's civil union law, and adoption. I have no notes, transcript, or recording. Burlington College is now defunct and no longer has a physical address.

May 6, 2000: Keynote Speaker, Rochester Spring Dinner, Empire State Pride Agenda, Rochester, New York. I spoke about civil unions in Vermont. I have no notes, transcript, or recordings, but press coverage is supplied. The Empire State Pride Agenda is now disbanded and no longer has a physical address.

May 3, 2000: Keynote Speaker, GAYLAW Education Fund Spring 2000 Reception, Washington, District of Columbia. I spoke about civil unions in

Vermont. I have no notes, transcripts, or recording, but press coverage is supplied. The address for GAYLAW (now known as the LGBT Bar Association of D.C.) is 2000 14th Street, Northwest, Suite 105, Washington, District of Columbia 20009.

April 30, 2000: Speaker, Millennium March on Washington, Washington, District of Columbia. Video supplied (my remarks begin at approximately 14:16).

March 18, 2000: Speaker, "Same-Sex Marriage: For Better or Worse," Saint Michael's Women's Caucus, Saint Michael's College, Colchester, Vermont. I spoke about the freedom to marry movement in Vermont. I have no notes, transcript, or recording, but press coverage is supplied. The address for St. Michael's College is 100 Winooski Park, Colchester, Vermont 05439.

March 15, 2000 (approximately): Speaker, Rotary Club, Rutland, Vermont. I have no notes, transcript, or recording. I spoke about the freedom to marry movement in Vermont. I do not recall whether I spoke at the Rotary Club of Rutland, P.O. Box 232, Rutland, Vermont 05702, or the Rutland South Rotary Club, P.O. Box 511, Rutland, Vermont 05701. I believe I spoke at both during this general time frame.

February 10, 2000: Panelist, Panel on Same-sex Marriage, Middlebury College, Middlebury, Vermont. I spoke about the freedom to marry movement in Vermont. I have no notes, transcript, or recording, but press coverage is supplied. The address for Middlebury College is 14 Old Chapel Road, Middlebury, Vermont 05753.

February 9, 2000: Guest Lecturer, Course: "Gender Issues in Society," St. Michael's College, Colchester, Vermont. I spoke about the freedom to marry. I have no notes, transcript, or recording. The address for St. Michael's College is 100 Winooski Park, Colchester, Vermont 05439.

January 2000 (approximately): Speaker, Rotary Club, Middlebury, Vermont. I spoke about the freedom to marry movement in Vermont. I have no notes, transcript or recording. The address for the Rotary Club of Middlebury is P.O. Box 46, Middlebury, Vermont 05753.

December 20, 1999: I spoke at the Unitarian Universalist Church in Burlington, Vermont, after the Vermont Supreme Court issued its decision in *Baker v. State of Vermont*. I have no notes, transcript, or recording. The address for the Unitarian Universalist Church is 152 Pearl Street, Burlington, Vermont 05401.

Between September 1999 and May 2001 (approximately): Speaker, Same-sex Marriage, Praxis, University of Wisconsin Law School, Madison, Wisconsin. This event was hosted by a then-newly formed student group called Praxis, which was devoted to critical reflections on the study and practice of law. I have no



notes, transcript, or recording. The address for the University of Wisconsin Law School is 975 Bascom Mall, Madison, Wisconsin 53706.

September 17, 1999: Panelist, "Having an Impact at the Vermont Supreme Court – Parts I & II," Vermont Bar Association, Stowe, Vermont. I spoke about appellate advocacy before the Vermont Supreme Court. I have no notes, transcript, or recording. The address for the Vermont Bar Association is P.O. Box 100, Montpelier, Vermont, 05601.

September 15, 1999: Panelist, "Workers' Compensation: What Every Plaintiff's Lawyer Should Know," Vermont Trial Lawyers Association (now Vermont Association for Justice), Waterbury, Vermont. Handout supplied.

April 21, 1999: Panelist, Workers' Compensation, Vermont (city and sponsor unknown). Handout supplied.

March 19, 1999: Panelist, "Same-Sex Marriage in the United States and Canada," Sexual Orientation and the Law Conference, Vermont Law School, South Royalton, Vermont. Video supplied.

March 19, 1999: Panelist, "Practitioners Panel: Ask the Experts," Sexual Orientation and the Law Conference, Vermont Law School, South Royalton, Vermont. Video supplied.

November 28, 1998: I spoke at a rally at a church in Montpelier, Vermont, following the oral argument in *Baker v. State of Vermont*. Video supplied (my remarks begin around 10:30).

February 13, 1998: Speaker, The Freedom to Marry, First Universalist Parish, Derby Line, Vermont. I spoke about the freedom to marry. I have no notes, transcript, or recording, but press coverage is supplied. The address for the First Universalist Parish is 112 Main Street, Derby Line, Vermont 05830.

October 3, 1997: Panelist, Same-Sex Marriage, Sexual Orientation and Family Law Conference, Vermont Law School, South Royalton, Vermont. Video supplied (my remarks begin at approximately 06:15).

October 3, 1997 (approximately): Panelist, Opening Panel, Sexual Orientation and Family Law Conference, Vermont Law School, South Royalton, Vermont. Video supplied (my remarks begin at approximately 58:45).

April 9, 1997: Panelist, Burlington Women's Council and Vermont Freedom to Marry Task Force, Burlington, Vermont. I spoke about the freedom to marry for same-sex couples. I have no notes, transcript, or recording, but press coverage is supplied. The address for the City of Burlington is City Hall, Church Street, Burlington, Vermont 05401.

May 31, 1996: Panelist, “Workers’ Compensation: Stress in the Workplace,” Vermont Trial Lawyers Association, Vermont (city unknown). Handout supplied.

In addition, between 1995 and 2010, I frequently spoke at small gatherings in private homes. I did not keep notes or systematic records of the events, and have not included any such events on this list unless I had specific documentation.

During that period, I also spoke at a number of rallies and spontaneous assemblies. For example, many of those years, I took the stage at the annual Pride celebration in Burlington, Vermont, but I have no specific record of what years, and have no notes, transcripts, or recordings of any of these occasions.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

This list is based on a search of my files and other electronic databases. I have located the articles below, but it is possible that there are some I have no record of and was not able to identify.

Sasha Issenberg, *The Engagement* (2021). Relevant excerpts supplied.

William N. Eskridge, Jr. and Christopher R. Riano, *Marriage Equality: From Outlaws to In-Laws* (2020). Relevant excerpts supplied.

Devin Bates, *VT Supreme Court Justice Beth Robinson on Ginsburg’s legacy: ‘We all owe a debt of gratitude’*, Local 22 (Sept. 18, 2020). Available at <https://www.mychamplainvalley.com/news/local-news/vt-supreme-court-justice-beth-robinson-on-ginsburgs-legacy-we-all-owe-a-debt-of-gratitude>.

Justin March, Daily Pride Center Live, Pride Center of Vermont (June 18, 2020). Video available at [https://www.facebook.com/watch/live/?v=268015174276384&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=268015174276384&ref=watch_permalink).

Sophia McDermott-Hughes, *Vermont Supreme Court Hears Case on Campus*, The Middlebury Campus (Jan. 23, 2020). Copy supplied.

All Things LGBTQ, Orca Media (Jan. 14, 2020). Available at <https://www.orcamedia.net/show/news-and-justice-beth-robinson>.

Access to Justice Coalition, Press Conference, Vermont Supreme Court (Nov. 6, 2019). I have no notes, transcript, or recording, but press coverage of the event is supplied.



Mike Dougherty and Xander Landen, *The Deeper Dig: Vermont Marriage Equality Turns Ten*, VTDigger (Apr. 12, 2019). Available at <https://vtdigger.org/2019/04/12/deeper-dig-vermont-marriage-equality-turns-ten>.

Mark Davis and Chelsea Edgar, *Lady Justices: Four Vermont Judges Talk Law, Fairness and Being Female*, Seven Days (Dec. 12, 2018). Copy supplied.

Katy Savage, *Legal Clinic Director Leaving as Part of VLS Faculty Cuts*, VTDigger (July 29, 2018). Copy supplied.

Anthony Michael Kreis, *Article: Stages of Constitutional Grief: Democratic Constitutionalism and the Marriage Revolution*, 20 University of Pennsylvania Journal of Constitutional Law 873 (Mar. 2018). Copy supplied.

Jeff Kaufman and Marcia Ross, *The State of Marriage* (2015). Available at <https://www.youtube.com/watch?v=IqcWfRgO5y4>.

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In addition, I have spoken with students, from middle school through post-doctoral programs, who have interviewed me in connection with school assignments or scholarly research. I have not kept a record of these communications. I identified the following interviews through a thorough internet search, but it is likely that I gave other interviews that do not appear on this list.

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Jane Stephens, *The Rhetoric of Women's Leadership: Language, Memory and Imagination*, J. of Leadership & Org. Stud., Vol. 9, Issue 3 (Jan. 1, 2003). Copy supplied. This article claims that as a summer associate at Williams & Connolly I "found [my]self on television working with Oliver North's defense team in the Iran-Contra case," and that my "group then went on to become the team that represented Paula Jones against Bill Clinton." While Williams & Connolly did represent Oliver North, I was not involved in the matter, and I was not involved in representing Paula Jones against President Clinton.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have served as an Associate Justice on the Vermont Supreme Court since November 2011. I was appointed by Governor Peter Shumlin following a merit screening process by the Vermont Judicial Nominating Board. The Vermont Supreme Court has jurisdiction over appeals from the civil, probate, family, criminal, and environmental divisions of the superior court, as well as appeals from state agencies such as the Human Services Board, the Employment Security Board, and the Public Utilities Commission.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I estimate that I have participated in approximately 1,750 decisions during my time on the Vermont Supreme Court, not counting the significant number of cases that are dismissed prior to argument on the basis of the parties' stipulation, a failure to make required filings, untimely filing, or for similar reasons.

I have only "presided" over four cases in which I was specially designated to sit on the superior court, as well as over certain bail appeals that are resolved by a single justice. Occasionally, when the Chief Justice is absent or not on a three-justice panel, I "preside," in the sense that I am the most senior justice on the bench for that argument.

1. Of these cases, approximately what percent were:

jury trials:	N/A
bench trials:	1%

Ninety-nine percent of the cases I have participated in are appellate cases. I have sat as a trial judge by special designation for four



contested hearings (bench trials). Three were divorce cases, and the fourth was a termination-of-parental-rights case. Additionally, I was the trier-of-fact in a “de novo” appeal of a hold-without-bail order. With the exception of those cases, all of the matters I have participated in as a judge have been appeals.

2. Of these cases, approximately what percent were:

civil proceedings:	65%
criminal proceedings:	35%

b. Provide citations for all opinions you have written, including concurrences and dissents.

See attached list of opinions.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

I have not generally “presided” over cases in the sense this term usually connotes. I have identified ten representative cases that I participated in, other than cases in which I wrote an opinion.

1. *State v. Medina*, 2014 VT 69, 197 Vt. 63, 102 A.3d 661

In this case, the Vermont Supreme Court considered the constitutionality under the Vermont Constitution of a statute requiring individuals arraigned on felony charges to provide DNA samples after a determination of probable cause and prior to any conviction. The trial court held the statute unconstitutional, and we affirmed. The Court acknowledged that the intrusion serves a special need beyond the normal needs of law enforcement such that an exception to the general warrant requirement may apply. But balancing the government’s interest in getting the DNA evidence post-arraignment as opposed to post-conviction against the heightened privacy interests of an individual who has been arraigned but not yet convicted of a felony, we concluded that the statute violated Article 11 of the Vermont Constitution. Chief Justice Reiber, joined by Justice Burgess, dissented.

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2. *Demag v. Better Power Equipment, Inc.*, 2014 VT 78, 197 Vt. 176, 102 A.3d 1101

In this premises-liability decision, the Vermont Supreme Court abrogated the common law distinction between the duty owed to invitees versus licensees. The evidence in the summary judgment record, viewed in the light most favorable to the plaintiff, was that the plaintiff, who worked for a car dealership, drove to the defendant establishment to pick up the general manager's car to take it in for service. While in the defendant's parking lot, the plaintiff stepped in an open storm drain and suffered injuries. The trial court granted the defendant summary judgment on the basis that the plaintiff had failed to establish that the defendant violated the more modest standard of care applicable to licensees as opposed to invitees. On appeal, in a decision authored by Justice Dooley, we abolished the invitee-licensee distinction and established a single standard of reasonable care for both. We thus reversed and remanded the case for further proceedings.

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3. *State v. Putnam*, 2015 VT 113, 200 Vt. 257, 130 A.3d 836

This case gave the Court the opportunity to establish clearer parameters for the imposition by trial courts of probation conditions. After his conviction for disorderly conduct and grossly negligent operation of a motor vehicle, the defendant challenged his conviction and various conditions of probation. We affirmed the conviction. The case is more significant for its discussion of the probation conditions. We ruled that the list of conditions on court-generated

probation-condition forms, which were often colloquially described as “standard conditions,” are not “standard” in any meaningful sense. We specifically required that probation conditions must be reasonably related to the crime for which an offender was convicted, and struck several of the imposed probation conditions on the basis that they were not sufficiently connected to the defendant’s offense or specific circumstances. We also held that probation conditions may not unlawfully delegate to probation officers the authority to make determinations that should be made by the court, and we struck a condition on that basis. Justice Skoglund, joined by Judge Maley, specially assigned, dissented only as to a probation condition requiring payment of public defender fees.

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4. *AIG Ins. Mgmt. Servs., Inc. v. Vt. Dep’t of Taxes*, 2015 VT 137, 201 Vt. 9, 134 A.3d 1232

The question in this case was whether a taxpayer’s subsidiary was part of the taxpayer’s “unitary group,” such that the apportioned share of income earned by the taxpayer out of state could be taxed in Vermont. AIG Insurance Management Services, Inc. (“AIG”) owned a subsidiary, Mount Mansfield Company, Inc. (“MMC”) that ran a ski resort in Vermont. The Vermont Department of Taxes concluded that AIG and MMC were a unitary enterprise, such that the State of Vermont could assess a tax for an allocable share of the combined net income of the group. The trial court reversed the Department’s decision. We concluded that even though AIG had sole ownership and the ability to direct MMC’s operations, MMC was a distinct business operation. There was insufficient evidence of economic interdependence between the operations to support Vermont’s taxing a portion of AIG’s out of state operations. We accordingly affirmed the trial court’s reversal of the Department’s decision.

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5. *State v. Sawyer*, 2018 VT 43, 207 Vt. 636, 187 A.3d 377

This case called upon the Vermont Supreme Court to determine whether the State had presented sufficient evidence to support a charge of attempted murder against a would-be school shooter. The defendant allegedly maintained a journal captioned “The Journal of an Active Shooter,” acquired a shotgun and some magazines, and made threats against his former high school in social media messages. The defendant also allegedly admitted to police officers that he had been plotting a school shooting, describing his specific plans for conducting the shooting as well as steps he had taken to advance his plan. Based on this and other evidence, the State charged the defendant with three counts of attempted murder. The trial court ordered the defendant held without bail, and the defendant appealed that order. The court’s authority to hold the defendant without bail flowed from the validity of the three charges of attempted murder, so the primary issue in the appeal was whether the evidence cited by the State could support any such charge. In a *per curiam* decision, a three-justice panel reviewed our case law on attempt and concluded that in order to constitute an attempt to commit a crime, the act must “reach far enough towards the accomplishment of the desired result to amount to the commencement of the consummation.” We held that the State’s evidence in this case did not meet that standard and reversed the order holding the defendant without bail.

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6. *State v. Lizotte*, 2018 VT 92, 208 Vt. 240, 197 A.3d 362

In this case, the Vermont Supreme Court considered whether the defendant's Fourth Amendment rights were violated when his online service provider, AOL, searched his transmissions, detected suspected child pornography, and sent information to the National Center for Missing and Exploited Children (NCMEC), which opened the email and attachment and provided it to Vermont law enforcement. The trial court denied the defendant's motion to suppress evidence seized from his home pursuant to a search warrant that was, in turn, based on the content of the email and attachment. We reviewed the ruling following the defendant's conditional guilty plea. We concluded that—even assuming the defendant had an expectation of privacy in his digital communications, because AOL was not acting as an agent of law enforcement when it subjected his digital communications to its automated search technology—its actions did not raise Fourth Amendment concerns. NCMEC, by contrast, was acting as an agent of law enforcement when it opened the defendant's email and the related attachment. NCMEC's opening the video file that was identified by AOL was not an expansion of the search conducted by AOL, but its opening the email to which the video file was attached was an expansion of AOL's private search. We did not invalidate the search warrant, however, because even without the information from the body of the email, the affidavit in support of the warrant established probable cause. We thus affirmed the trial court's denial of the motion to suppress and, in turn, the defendant's conviction.

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7. *State v. VanBuren*, 2018 VT 95, 210 Vt. 293, 214 A.3d 791

This was the first case in which a state supreme court considered the constitutionality of a statute criminalizing nonconsensual pornography. Here, the complainant sent nude photos of herself to the defendant's boyfriend through private messaging, and the defendant allegedly access her boyfriend's account

without authorization, saw the pictures of the complainant, and posted and tagged the pictures on social media in order to “ruin complainant and get revenge.” The parties stipulated that the complainant and the defendant’s boyfriend were not in a relationship at the time the complainant sent the images to the boyfriend. The trial court concluded that the statute criminalizing nonconsensual pornography was unconstitutional on its face under the First Amendment to the United States Constitution because it violated the right to free speech, and it dismissed the State’s charges.

On appeal, the Vermont Supreme Court held that the statute, construed narrowly, was not unconstitutional. We concluded that the statute, with a narrowing construction, survived strict scrutiny because it was narrowly tailored to serve a compelling state interest. We concluded, however, that the State had not established a *prima facie* violation of the statute in this case. Given the State’s stipulation that the complainant was not in a relationship with the defendant’s boyfriend when she sent the nude photos, we concluded that the State could not show that she had a reasonable expectation of privacy in the images—an essential element of the State’s case.

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8. *Zullo v. State*, 2019 VT 1, 209 Vt. 298, 205 A.3d 466

The plaintiff sued the State of Vermont for damages arising from various alleged violations of his state constitutional rights following a roadside stop and seizure of his car. The superior court granted the State’s motion for summary judgment on the basis that the trooper’s actions did not violate the Vermont Constitution. On appeal, we concluded that the common law doctrine of sovereign immunity was not a jurisdictional bar to the plaintiff’s civil damage suit against the State alleging that a state officer deprived him of the protection from governmental interference guaranteed by Article 11 of the Vermont Constitution, and we held that plaintiff had an implied right of action directly under Article 11 subject to a limitation akin to qualified immunity. On the merits of the plaintiff’s substantive claims, we concluded that the stop was unlawful because there was no reasonable

basis in the law for concluding that snow obscuring part of the registration sticker on a license plate was unlawful. We concluded that given the faint odor of burnt marijuana the trooper detected, as well as the redness of the plaintiff's eyes, the trooper had reasonable suspicion for his exit order so he could determine whether the plaintiff was driving impaired. At the same time, however, we concluded that the officer did not have probable cause to seize the plaintiff's car for the purpose of requesting a search warrant. We remanded the case for further proceedings.

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9. *Athens Sch. Dist. v. Vt. State Bd. of Educ.*, 2020 VT 52, \_\_ Vt. \_\_, 237 A.3d 671

This case involved statutory and state constitutional challenges to the Board of Education's implementation of a law compelling various school districts to merge into neighboring districts. The trial court granted summary judgment to the defendant Board of Education. On appeal, we upheld the law and the Department of Education's implementation of it. We concluded that the law did not require the Board or Agency of Education to make an explicit finding that a proposed merger of school districts was "necessary" before requiring a merger, that the Department's and Board's implementation of the law was consistent with the law itself and other statutes, and that the law did not unlawfully delegate legislative authority or violate any other constitutional provisions. We thus affirmed the trial court's judgment.

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10. *State v. Misch*, 2021 VT 10, \_\_ Vt. \_\_, \_\_ A.3d \_\_, 2021 WL 650366

This case involved a challenge under the Vermont Constitution to a statute prohibiting possession of large capacity magazines. A defendant was charged with violating the statute, and the Vermont Supreme Court accepted interlocutory review to assess the constitutionality of the statute under the Vermont Constitution. In a *per curiam* decision, the Court upheld the law under the Vermont Constitution. We concluded that the right to bear arms in the Vermont Constitution includes a right that is independent of service in a state militia, and is tied to the defense of self, family, and home. We followed the majority of our sister states in adopting a “reasonable-regulation” test, and concluded based on the available evidence that the large-capacity magazine restriction was constitutional under that test. The defendant charged with violating the law did not raise a federal constitutional challenge. Because we concluded that the law was constitutional under the Vermont Constitution, we remanded the case for further proceedings.

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *State v. Congress*, 2014 VT 129, 198 Vt. 241, 114 A.3d 1128

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2. *In re N.E. Materials Group., LLC Act 250 JO # 5-21*, 2015 VT 79, 199 Vt. 577, 127 A.3d 926

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3. *State v. Putnam*, 2015 VT 113, 200 Vt. 257, 130 A.3d 836

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4. *State v. Alexander*, 2016 VT 19, 201 Vt. 329, 139 A.3d 574

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5. *In re Vermont Gas System, Inc.*, 2017 VT 83, 205 Vt. 509, 174 A.3d 1253

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6. *Taylor v. Town of Cabot*, 2017 VT 92, 205 Vt. 586, 178 A.3d 313

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7. *In re Petition of Conservation L. Found.*, 2018 VT 42, 207 Vt. 309, 188 A.3d 667

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8. *State v. Dupuis*, 2018 VT 86, 2008 Vt. 196, 197 A.3d 343

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9. *State v. VanBuren*, 2018 VT 95, 210 Vt. 293, 214 A.3d 791

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10. *In re Benoit*, 2020 VT 58, \_\_ Vt. \_\_, 237 A.3d 1243

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e. Provide a list of all cases in which certiorari was requested or granted.

Certiorari was requested in the following cases in which I participated. It was denied in each case.

*Masseau v. Luck*, 2021 VT 9, \_\_ Vt. \_\_, \_\_ A.3d \_\_, *cert. requested sub nom. Masseau v. Henning*, No. 20-1615, 2021 WL 2015470 (U.S. May 14, 2021)

*In re A.P.*, 2020 VT 86, \_\_\_ Vt. \_\_\_, 246 A.3d 399 (Robinson, J., dissenting), *cert. denied*, No. 20-1335, 2021 WL 195857 (U.S. May 17, 2021)

*In re Grundstein*, 2020 VT 102, *cert. denied*, No. 20-1423, 2021 WL 1951868 (U.S. May 17, 2021)

*Vt. Nat'l Tel. Co. v. Dep't of Taxes*, 2020 VT 83, \_\_\_ Vt. \_\_\_, \_\_\_ A.3d \_\_\_, *cert. denied*, No. 20-1159, 2021 WL 1951815 (U.S. May 17, 2021)

*In re H.T.*, 2020 VT 3, \_\_\_ Vt. \_\_\_, 227 A.3d 504, *cert. denied*, 141 S. Ct. 418 (2020)

*Bovat v. Vermont*, 2019 VT 81, 211 Vt. 301, 224 A.3d 103, *cert. denied*, 141 S. Ct. 22 (2020)

*Dasler v. Dasler*, No. 2018-301, 2019 WL 2359608 (Vt. June 3, 2019) (unpublished entry order), *cert. denied*, 140 S. Ct. 673 (2019)

*State v. Washek*, No. 2018-009, 2018 WL 4827706 (Vt. Oct. 3, 2018) (unpublished entry order), *cert. denied*, 139 S. Ct. 2759 (2019)

*In re Towne*, 2018 VT 5, 206 Vt. 615, 182 A.3d 1149, *cert. denied*, 139 S. Ct. 163 (2018)

*State v. Haskins*, 2016 VT 79, 202 Vt. 461, 150 A.3d 202, *cert. denied*, 137 S. Ct. 1375 (2017)

*In re Request for Jurisdictional Opinion re Changes in Physical Structures & Use at Burlington Int'l Airport for F-35A*, 2015 VT 41, 198 Vt. 510, 117 A.3d 457, *cert. denied*, 577 U.S. 975 (2015)

*State v. Congress*, 2014 VT 129, 198 Vt. 241, 114 A.3d 1128, *cert. denied*, 577 U.S. 843 (2015)

*Fox v. Fox*, 2014 VT 100, 197 Vt. 466, 106 A.3d 919, *cert. denied*, 574 U.S. 1075 (2015)

*In re Mayo*, No. 2013-330, 2014 WL 3714936 (Vt. July 24, 2014) (unpublished entry order), *cert. denied*, 574 U.S. 1125 (2015)

*In re B.R.*, 2014 VT 37, 196 Vt. 304, 97 A.3d 867, *cert. denied*, 574 U.S. 938 (2014)

*Brown v. State*, 2013 VT 112, 195 Vt. 342, 88 A.3d 402 (2013), *cert. denied*, 572 U.S. 1101 (2014)

*State v. Burke*, 2012 VT 50, 192 Vt. 99, 54 A.3d 500, *cert. denied*, 568 U.S. 1072 (2012)

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have not participated in any decisions that have been reversed by the United States Supreme Court, or that have been affirmed with significant criticism. To my knowledge, none of the cases on which I sat by special designation as a trial judge were appealed.

I have issued one ruling that has been reversed on appeal. The Vermont Legislature has authorized courts to hold a defendant charged with a felony, an element of which involves an act of violence against another person, without bail if the court finds that (i) the evidence of guilt is “great,” (ii) the defendant’s release presents a substantial risk of physical violence to a person, and (iii) no condition or combination of conditions would reasonably prevent the physical violence. A defendant’s avenue of appeal from an adverse hold-without-bail decision pursuant to this statute is to a single justice of the Vermont Supreme Court, who is required to hold a *de novo* hearing sitting as a trier-of-fact. I conducted one such hearing. The most significant issue in the case involved a statutory provision that requires the court to hold the trial within 60 days, or to set bail if it fails to do so. The question was whether the 60 days began to run at the time the defendant was first held without bail pending a hearing, or at the time the court issued its order holding the defendant pursuant to the statute. I concluded that, “regardless of how compelling defendant’s arguments may be,” I was bound by a prior published opinion of a single justice to hold that the “clock” started running only after the court’s hold-without-bail decision, and that the defendant’s recourse was to appeal my ruling on this subject to a three-justice panel of the Supreme Court. The defendant did so, and the Vermont Supreme Court, which was not bound by the prior precedent that I had concluded constrained my own analysis, overruled the prior precedent and accordingly reversed my decision on the matter. *State v. Downing*, 2020 VT 97, \_\_ Vt. \_\_, 245 A.3d 758, *rev’d*, 2020 VT 101, \_\_ Vt. \_\_, 247 A.3d 150.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

All five-justice opinions in Vermont issued after argument are published and available on the Vermont Judiciary’s website at <https://www.vermontjudiciary.org/supreme-court/published-opinions-and-entry->

orders, as well as through independent services such as Westlaw. In the year from July 1, 2018 through June 30, 2019, for example, of all cases resolved by a decision of the Court (rather than closed by stipulation, for lack of progress, or due to the appellant's withdrawal) approximately 50 percent, or about 120 cases, were resolved by a published written five-justice opinion.

Approximately three percent, or seven cases, were resolved by published five-justice entry order. These decisions are issued *per curiam*, and are generally published. Moreover, decisions that are not formally designated for publication in the Vermont Reports, but that include significant legal analysis, are posted on the Vermont Judiciary's website and generally published by commercial legal research databases such as Westlaw. The decision to post unpublished five-justice entry orders online is made by Judiciary staff.

Five-justice entry orders resolving motions that require five justices (such as stipulations to dismiss an appeal and some non-dispositive motions) are usually unpublished, although we occasionally designate a five-justice entry order for publication if it resolves legal questions with broader application. Further, even if we do not designate a five-justice entry order for publication, if Judiciary staff concludes that the order includes substantive legal analysis of potentially broader interest, the orders may be posted on the Judiciary website and, in turn, published by commercial legal research databases.

Three-justice decisions in cases decided through summary procedures are unpublished. These opinions are all issued *per curiam*. Although they are designated "unpublished," the opinions are available on the Vermont Judiciary website at <https://www.vermontjudiciary.org/supreme-court/unpublished-entry-orders> and many of them are also available through commercial legal research databases. In the year from July 1, 2018 through June 30, 2019, of the cases that were resolved by a decision of the Court, approximately 47 percent, or 114, were resolved by an unpublished three-justice entry order. I participated in approximately 60 percent of all three-justice cases.

Three-justice opinions in those bail appeals that are subject to three-justice review are generally published and are available on the Vermont Judiciary site as well as through online services.

Single-justice opinions in connection with bail appeals that are subject to single-justice review may be denominated "published" or "unpublished." Regardless of whether they are reported in the Vermont Reports, the opinions are posted on the Judiciary website and in turn, published by commercial legal research databases. The list of cases at Q13b includes the nine single-justice unpublished entry orders I have issued while on the court.

Single-justice decisions granting or denying non-dispositive motions are unpublished. These include routine motions to file a brief in excess of the word



limit, motions to continue argument, motions to strike matters from the record, and other procedural matters. These rulings are considered public records, except in cases that are confidential (such as juvenile cases), but they are not posted on any publicly accessible web sites.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

*State v. Blanchard*, 2021 VT 13, \_\_ Vt. \_\_, \_\_ A.3d \_\_

*Masseau v. Luck*, 2021 VT 9, \_\_ Vt. \_\_, \_\_ A.3d \_\_

*State v. Downing*, 2020 VT 97, \_\_ Vt. \_\_, 245 A.3d 758

*State v. Nelson*, 2020 VT 94, \_\_ Vt. \_\_, 246 A.3d 937 (Robinson, J., dissenting)

*State v. Ferguson*, 2020 VT 39, \_\_ Vt. \_\_, 236 A.3d 207

*State v. Gates*, 2020 VT 21, \_\_ Vt. \_\_, 230 A.3d 595 (Robinson, J., dissenting)

*State v. Bouchard*, 2020 VT 10, \_\_ Vt. \_\_, 228 A.3d 349

*State v. Fonseca-Cintrón*, 2019 VT 80, \_\_ Vt. \_\_, 238 A.3d 594 (Robinson, J., concurring in part, dissenting in part)

*State v. Schapp*, 2019 VT 27, 210 Vt. 180, 212 A.3d 1226 (Robinson, J., dissenting)

*State v. O'Neill*, 2019 VT 19, 209 Vt. 599, 209 A.3d 1213

*State v. Bergquist*, 2019 VT 17, 210 Vt. 102, 211 A.3d 946

*State v. Noll*, 2018 VT 106, 208 Vt. 474, 199 A.3d 1054

*State v. VanBuren*, 2018 VT 95, 210 Vt. 293, 214 A.3d 791

*State v. Dupuis*, 2018 VT 86, 208 Vt. 196, 197 A.3d 343

*State v. Rajda*, 2018 VT 72, 208 Vt. 324, 196 A.3d 1108 (Robinson, J., dissenting)

*State v. Schenk*, 2018 VT 45, 207 Vt. 423, 190 A.3d 820 (Robinson, J., dissenting)

*State v. Discola*, 2018 VT 7, 207 Vt. 216, 184 A.3d 1177

*Taylor v. Town of Cabot*, 2017 VT 92, 205 Vt. 586, 178 A.3d 313

*State v. Sheperd*, 2017 VT 39, 204 Vt. 592, 170 A.3d 616

*Estate of Lott v. O'Neill*, 2017 VT 11, 204 Vt. 182, 165 A.3d 1099 (Robinson, J., dissenting)

*State v. Pratt*, 2017 VT 9, 204 Vt. 282, 166 A.3d 600

*State v. King*, 2016 VT 131, 204 Vt. 228, 165 A.3d 107 (Robinson, J., concurring in part, dissenting in part)

*State v. Hayes*, 2016 VT 105, 203 Vt. 153, 154 A.3d 964 (Robinson, J., concurring)

*In re Laberge NOV*, 2016 VT 99, 203 Vt. 98, 152 A.3d 1165

*State v. Prue*, 2016 VT 98, 203 Vt. 123, 153 A.3d 551

*State v. Haskins*, 2016 VT 79, 202 Vt. 461, 150 A.3d 202 (Robinson, J., dissenting)

*Concord Gen. Mut. Ins. Co. v. Gritman*, 2016 VT 45, 202 Vt. 155, 146 A.3d 882

*State v. Farrow*, 2016 VT 30, 201 Vt. 437, 144 A.3d 1036

*State v. Alexander*, 2016 VT 19, 201 Vt. 329, 139 A.3d 574

*Knutsen v. Cegalis*, 2016 VT 2, 201 Vt. 138, 137 A.3d 734 (Robinson, J., concurring)

*State v. Stanley*, 2015 VT 117, 200 Vt. 341, 131 A.3d 1114

*State v. Tracy*, 2015 VT 111, 200 Vt. 216, 130 A.3d 196

*Hallsmith v. City of Montpelier*, 2015 VT 83, 199 Vt. 488, 125 A.3d 882

*State v. Alers*, 2015 VT 74, 199 Vt. 373, 123 A.3d 825

*State v. Hurley*, 2015 VT 46, 198 Vt. 552, 117 A.3d 433

*Fox v. Fox*, 2014 VT 100, 197 Vt. 466, 106 A.3d 919

*State v. Felix*, 2014 VT 68, 197 Vt. 230, 103 A.3d 927

*In re Bruyette*, 2014 VT 30, 196 Vt. 261, 96 A.3d 1151

*State v. Button*, 2013 VT 92, 195 Vt. 65, 86 A.3d 1001

*Anderson v. State*, 2013 VT 73, 194 Vt. 437, 82 A.3d 577

*State v. Sullivan*, 2013 VT 71, 194 Vt. 361, 80 A.3d 67

*State v. Bogert*, 2013 VT 13A, 197 Vt. 610, 109 A.3d 883

*State v. Tribble*, 2012 VT 105, 193 Vt. 194, 67 A.3d 210

*In re New Cingular Wireless, PCS, LLC*, 2012 VT 46, 192 Vt. 20, 54 A.3d 141

*State v. Mead*, 2012 VT 36, 192 Vt. 1, 54 A.3d 485

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have never sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The longstanding practice on the Vermont Supreme Court has been to not disclose the basis for an individual justice's decision to recuse from a particular case. My general practice has been as follows. For my first few years on the Court, I reviewed the list of new cases every few weeks to identify potential conflicts. Now, because I have so many fewer conflicts, I review cases for conflicts as I am preparing for oral argument. If I identify a matter that creates a conflict pursuant to the rules, or a potential appearance of impropriety that causes me to recuse as a matter of discretion, I notify the staff person who manages our court calendar, and she arranges a substitute judge to sit by special assignment. In some cases, if I conclude that my participation could raise a potential appearance of impropriety, but not one that would necessarily lead me to recuse myself, I give notice to the

parties of the potential concern so they can file a motion if they choose. In some cases, the potential conflict has not become apparent to me until oral argument, in which case I have not participated in the case conference or decision.

With respect to the substance of my recusal decisions, I have recused when I have a conflict under the rules, or when faced with a potential appearance of conflict. Several considerations have driven my recusal decisions.

For a period of two years from the time my former law firm completed legal work for me, I automatically recused from cases in which Langrock Sperry & Wool represented the client on appeal. For a period after that, I formally disclosed my prior affiliation with the firm both as a partner and as a client but did not automatically recuse. I have continued to automatically recuse in cases in which Langrock Sperry & Wool represented a party in the same matter during the period I was still affiliated with the firm. In recent months, I have begun automatically recusing from all Langrock Sperry & Wool cases again because I have retained an attorney there to do legal work.

In addition, I have recused myself from cases involving legal questions with respect to which I took a position in the Vermont Legislature on behalf of the Governor, cases involving the State that relate to matters that I worked on or was aware of while serving as Governor's Counsel, and cases involving challenges to bar admission decisions arising from the time when I served on the Vermont Board of Bar Examiners.

I have recused myself from cases in which I or my spouse had a personal interest, or a relationship with an individual with a personal stake in the outcome of the case.

Finally, I have recused myself when a party was represented by a lawyer who represented me, my spouse, or my spouse's business contemporaneously or within two years, in cases in which the conduct of a lawyer with whom I have a significant personal relationship has been a material issue in the case, and in cases in which one of several former law partners represents a party in the case.

The Vermont Supreme Court's current case management system does not track recusals. I have used a number of methods to try to identify cases in which I recused, but it is possible that I have missed some. I have not included cases in which I may have recused but was not assigned to the panel to hear a case in the ordinary course, and may not have captured cases that were dismissed before a three-justice or full court decision issued.

Cases in which I have recused myself:

*Steven Daiello v. Town of Vernon*, No. 2021-017 (pending)

*Human Rights Defense Center v. Correct Care Solutions*, No. 2020-308 (pending)

*In re JSCL, LLC CU Permit*, 2021 VT 22, No. 2020-174, 2021 WL 1250969 (Vt. Apr. 2, 2021)

*Pettersen v. Monaghan Safar Ducham PLLC*, 2021 VT 16, No. 2020-192, 2021 WL 1047380 (Vt. Mar. 19, 2021)

*Marsano v. Marsano*, No. 2020-282, 2021 WL 841053 (Vt. Mar. 2021)

*In re ACTD LLC*, 2020 VT 89, No. 19-245, 2020 WL 5858632 (Vt. Oct. 2, 2020)

*Zlotoff Found., Inc. v. Town of South Hero*, 2020 VT 25, \_\_ Vt. \_\_, 231 A.3d 1146

*In re Fitzgerald*, 2020 VT 14, \_\_ Vt. \_\_, 229 A.3d 446

*McLaren v. Gabel*, 2020 VT 8, \_\_ Vt. \_\_, 229 A.3d 422

*Toensing v. Atty. Gen. of Vt.*, 2019 VT 30, 210 Vt. 74, 212 A.3d 180

*In re Estate of Edwards*, No. 2019-207, 2020 WL 95932 (Vt. Jan. 6, 2020)

*Nordic Holsteins v. Town of Charlotte*, No. 2019-066, 2019 WL 4928681 (Vt. Oct. 4, 2019)

*Hall v. Menard*, No. 2018-381, 2019 WL 3763461 (Vt. Aug. 7, 2019)

*Agency of Natural Resources v. Francis Supeno, Barbara Supeno & Barbara Ernst*, 2018 VT 30, 207 Vt. 108, 185 A.3d 1264

*Weaver v. Weaver*, 2018 VT 56, 207 Vt. 564, 191 A.3d 978

*Weaver v. Weaver*, 2018 VT 38, 207 Vt. 236, 186 A.3d 1119

*Jadallah v. Town of Fairfax*, 2018 VT 34, 207 Vt. 413, 186 A.3d 1111 (I was present for oral argument but did not participate in the decision)

*In re Victor Hall*, No. 2017-260, 2018 WL 3485668 (Vt. Jul. 16, 2018)

*Weaver v. Weaver*, No. 2017-414, 2018 WL 2106377 (Vt. May 4, 2018)

*Hannah P. Sachs v. Downs Rachlin Martin PLLC & Caryn Waxman, Esq.*, 2017 VT 100, 206 Vt. 157, 179 A.3d 182

*Weaver v. Weaver*, 2017 VT 58, 205 Vt. 66, 171 A.3d 374

*Airi v. Nagra*, 2017 VT 42, 205 Vt. 40, 169 A.3d 1317 (I was present for argument but did not participate in the decision)

*In re Estate of Holbrook*, 2017 VT 15, 204 Vt. 276, 166 A.3d 595

*McLellan v. Haddock*, 2017 VT 13, 204 Vt. 252, 166 A.3d 579

*Myrick v. Peck*, 2017 VT 4, 204 Vt. 128, 164 A.3d 658

*Turner v. Shumlin*, 2017 VT 2, 204 Vt. 78, 163 A.3d 1173

*King v. King*, No. 2016-437, 2017 WL 5010783 (Vt. Oct. 2017)

*In re MVP Health Ins. Co.*, 2016 VT 111, 203 Vt. 274, 155 A.3d 1207

*In re Taylor*, 2016 VT 82, 202 Vt. 511, 150 A.3d 625

*In re Treetop Dev. Co. Act 250*, 2016 VT 20, 201 Vt. 532, 143 A.3d 1086

*In re Appeal of Holbrook*, 2016 VT 13, 201 Vt. 254, 140 A.3d 788

*In re Willowell Cond. Use Cert.*, 2016 VT 12, 201 Vt. 242, 140 A.3d 179

*Weaver v. Weaver*, No. 2015-326, 2016 WL 562907 (Vt. Feb. 2016)

*Vt. Human Rights Comm'n v. Vt. Dep't of Corrs.*, 2015 VT 138, 201 Vt. 62, 136 A.3d 188

*Burch-Clay v. Taylor*, 2015 VT 110, 200 Vt. 166, 130 A.3d 180

*In re PRB Docket No. 2015-002*, 2015 VT 101, 200 Vt. 643, 125 A.3d 152

*In re Taylor*, 2015 VT 95, 200 Vt. 1, 128 A.3d 422

*Stratton Corp v. Engelberth Const. Inc.*, 2015 VT 75, 199 Vt. 388, 124 A.3d 489

*Stratton & Intrawest v. Engelberth Const. Inc.*, 2015 VT 69, 199 Vt. 289, 123 A.3d 393

*Felis v. Felis*, No. 2015-261, 2015 WL 9307422 (Vt. Dec. 2015)

*Langrock Sperry & Wool, LLP v. Felis*, No. 2015-174, 2015 WL 7628683 (Vt. Nov. 2015)

*Noel v. Noel*, No. 2015-042, 2015 WL 4771798 (Vt. Aug. 2015)

*Chiles v. Chiles*, No. 2014-319, 2015 WL 1761092 (Vt. Apr. 2015)

*Eaton v. Prior*, No. 2014-235, 2015 WL 1759959 (Vt. Apr. 2015)

*Hanson-Metayer v. Hanson-Metayer*, No. 2014-200, 2015 WL 570068 (Vt. Feb. 2015)

*Skaskiw v. Vt. Agency of Agr.*, 2014 VT 133, 198 Vt. 187, 112 A.3d 1277

*In re Carrigan Conditional Use*, 2014 VT 125, 198 Vt. 438, 117 A.3d 788

*State v. Grenier*, 2014 VT 121, 198 Vt. 55, 110 A.3d 291

*Choiniere v. Marshall*, 2014 VT 117, 198 Vt. 215, 112 A.3d 723

*Parker v. Potter*, 2014 VT 109, 197 Vt. 577, 109 A.3d 406

*In re Musto Wastewater*, 2014 VT 103, 197 Vt. 514, 106 A.3d 929

*State v. Pettitt*, 2014 VT 98, 197 Vt. 403, 104 A.3d 85

*Tschaikowsky v. Tschaikowsky*, 2014 VT 83, 197 Vt. 303, 103 A.3d 943

*In re Williams*, 2014 VT 67, 197 Vt. 39, 101 A.3d 151

*In re Grievance of VSEA*, 2014 VT 56, 196 Vt. 557, 99 A.3d 1025

*In re Allen*, 2014 VT 53, 196 Vt. 498

*In re Appeals of ANR Permits in Lowell Mountain Wind Project*, 2014 VT 50, 196 Vt. 467, 98 A.3d 16

*In re Hirsch*, 2014 VT 28, 196 Vt. 170, 95 A.3d 412

*Brattleboro Sav. & Loan Ass'n v. Hardie*, 2014 VT 26, 196 Vt. 144, 94 A.3d 1132

*Manning v. Schultz*, 2014 VT 22, 196 Vt. 38, 93 A.3d 566

*Madowitz v. Woods at Killington Owners' Ass'n, Inc.*, 2014 VT 21, 196 Vt. 47, 93 A.3d 571

*In re Champlain Oil Co. Conditional Use Application*, 2014 VT 19, 196 Vt. 29, 93 A.3d 139

*In re Group Five Investments*, 2014 VT 14, 195 Vt. 625, 93 A.3d 111

*Jones v. Hart*, No. 2014-153, 2014 WL 7237803 (Vt. Dec. 2014)

*Jones v. Town of Proctor*, No. 2014-126, 2014 WL 4851492 (Vt. Sept. 2014)

*Bertrand v. Murray*, No. 2014-008, 2014 WL 4851483 (Vt. Sept. 2014)

*Felis v. Felis*, No. 2013-448, 2014 WL 3714663 (Vt. May 2014)

*In re Petition of Entergy Nuclear VT Yankee, LLC*, No. 13-042 (dismissed before argument)

*Curran v. Bldg. Fund of the United Church of Ludlow*, 2013 VT 118, 195 Vt. 319, 88 A.3d 1204

*State v. Gillard*, 2013 VT 108, 195 Vt. 259, 88 A.3d 389

*Paige v. State*, 2013 VT 105, 195 Vt. 302, 88 A.3d 1182

*State v. Cuomo*, 2013 VT 101, 195 Vt. 147, 86 A.3d 1039

*Rutland Herald v. City of Rutland*, 2013 VT 98, 195 Vt. 85, 84 A.3d 821

*In re Estate of Fitzsimmons*, 2013 VT 95, 195 Vt. 94, 86 A.3d 1026

*State v. Green Mountain Future*, 2013 VT 87, 194 Vt. 625, 86 A.3d 981

*Travia's, Inc. v. State Dep't of Taxes*, 2013 VT 62, 194 Vt. 585, 86 A.3d 394

*Lesage v. Town of Colchester*, 2013 VT 48, 194 Vt. 377, 81 A.3d 1142

*In re Kimmick*, 2013 VT 43, 194 Vt. 53, 72 A.3d 337

*Felis v. Felis*, 2013 VT 32, 193 Vt. 555, 72 A.3d 874

*Hanson-Metayer v. Hanson-Metayer*, 2013 VT 29, 193 Vt. 490, 70 A.3d 1036

*In re Investigation Into General Order No. 45*, 2013 VT 24, 193 Vt. 676, 67 A.3d 285

*In re Investigation into Regulation of Voice Over Internet Protocol Servs.*, 2013 VT 23, 193 Vt. 439, 70 A.3d 997

*Trudell v. State*, 2013 VT 18, 193 Vt. 515, 71 A.3d 1235

*In re Victor Hall*, No. 2013-062, 2013 WL 9055937 (Vt. Dec. 2013)



*Calloway v. Pallito*, No. 13-058 (Vt. Nov. 20, 2013).

*Eaton v. Cleary, Shahi & Aicher*, No. 2013-172, 2013 WL 9057068 (Vt. Oct. 2013)

*Judd v. Sec'y of State*, No. 2013-162, 2013 WL 9055935 (Vt. Sept 2013)

*Viskup v. Hegle*, No. 2013-024, 2013 WL 2923501 (Vt. June 2013)

*Wurster v. Wurster-Sinex*, No. 12-262 (Vt. Mar. 13, 2013)

*Fleming v. Fleming*, No. 12-289 (Vt. Mar. 13, 2013).

*Pollock v. Butler*, No. 12-464 (Vt. Mar. 13, 2013).

*State v. Berard*, No. 2012-232, 2013 WL 2922418 (Vt. June 2013)

*State v. Wallace Nolen*, 2012 VT 106, 193 Vt. 116, 71 A.3d 1213

*In re M.A.*, 2012 VT 103, 193 Vt. 665, 60 A.3d 732

*Farrell v. Vt. Elec. Power Co., Inc.*, 2012 VT 96, 193 Vt. 307, 68 A.3d 1111

*State v. Spooner*, 2012 VT 90, 192 Vt. 465, 60 A.3d 640

*Vermont Human Rights Comm'n v. State Agency of Transp.*, 2012 VT 88, 192 Vt. 552

*In re Green Mountain Power Corp.*, 2012 VT 89, 192 Vt. 429, 60 A.3d 654

*Vt. Human Rights Comm'n v. State Agency of Transp.*, 2012 VT 45, 191 Vt. 485, 49 A.3d 149

*Eaton v. Prior*, 2012 VT 54, 192 Vt. 249, 58 A.3d 200

*In re Musty Permit*, 2012 VT 42, 191 Vt. 483, 49 A.3d 158

*Adamson v. Dodge*, No. 2012-157, 2012 WL 6633780 (Vt. Dec. 2012)

*Foley v. Stevens*, 2011-339, 2012 WL 2880550, (Vt. July 10, 2012)

*Trapasso v. Carter*, No. 2011-325, 191 Vt. 644 (Vt. March 2012)

*Franz v. Franz*, No. 2011-285, 2012 WL 386732 (Vt. Jan. 26, 2012)

*Dodson v. Schimmelpfennig*, No. 11-376 (case dismissed by stipulation before argument)

**15. Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Justice of the Peace, Ferrisburgh, Vermont (2003 – 2011)

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

In legislative and gubernatorial campaigns from 2000 through 2010, I had a leadership role in two political-action committees (Vermonters for Civil Unions and Vermont Fund for Families) and one advocacy organization (Vermont Freedom to Marry Action Committee) that were not associated with any particular candidates but which supported numerous pro-freedom-to-marry candidates through endorsements, volunteer recruitment, organizing, and fundraising.

In 2008, I was elected to serve as a Hillary Clinton delegate to the Democratic National Convention in Denver, Colorado.

**16. Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a law clerk to the Honorable David B. Sentelle, United States Court of Appeals for the District of Columbia Circuit, from 1989 to 1990.

- ii. whether you practiced alone, and if so, the addresses and dates;

Through most of 1992 and into 1993, I did research and writing as a contract attorney for Hirschkop & Associates, which was, at the time, located in Alexandria, Virginia. I did this legal work on a self-employed basis during this period.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

1990 – 1991

Skadden, Arps, Slate, Meagher & Flom  
1440 New York Avenue, Northwest  
Washington, District of Columbia 20005  
Associate

1992 – 1993

Hirschkop & Associates  
Self Employed/Contract Attorney  
Alexandria, Virginia

1993 – 2010

Langrock Sperry & Wool  
111 South Pleasant Street  
Middlebury, Vermont 05753  
Partner (1998 – 2010)  
Associate (1993 – 1997)

2011

Vermont Office of the Governor  
109 State Street, Pavilion  
Montpelier, Vermont 05609  
Counsel to the Governor

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I worked at the Washington, DC, office of Skadden, Arps, Slate, Meagher & Flom from the fall of 1990 to the end of the summer of 1991. While there, I worked in the white-collar criminal defense group. I worked primarily on two cases through the entire year, one involving an investigation of our client for alleged corporate sabotage, and one involving allegations that our individual clients were complicit in

violations of federal banking laws. I did legal research and writing, witness interviews, and document review.

In 1992, I did not formally practice law, but I did legal research and writing primarily for Hirschkop & Associates in Alexandria, Virginia. I worked on a range of matters, primarily for a non-profit organization focused on animal rights.

For the next 18 years, from 1993 through 2010, I was an associate, and then a partner, at Langrock Sperry & Wool, a law firm in Middlebury and Burlington, Vermont. For the first decade at Langrock, my primary areas of practice were domestic relations and civil litigation, although I had a varied practice that included a substantial amount of time advising clients about a range of other matters, including employment issues, conflicts with neighbors, and contract disputes. In addition, I briefed and argued a number of appeals (including one significant appeal of a criminal conviction), and developed a practice representing lesbian, gay, bisexual, and transgender clients in connection with civil rights, family law issues, estate planning, and other matters, including litigation to secure access to civil marriage for same-sex couples.

As my practice evolved in the late 1990s and into the 2000s, I developed a greater concentration in the field of workers' compensation. I usually represented injured workers, although occasionally worked for uninsured employers defending workers' compensation claims. Through that same period, I began representing more clients in negligence cases in (and outside of) superior court, and my employment-law practice grew. I also had the opportunity to work with colleagues on larger-scale litigation, such as a suit involving properties with PCB contamination in Pittsfield, Massachusetts.

Throughout this time, I practiced in a host of other areas as well, such as unemployment insurance matters (representing both claimants and employers), probate court proceedings, public accommodations discrimination cases, labor negotiations, and advice for small businesses. I also provided complex legal and strategic analysis for clients advocating or opposing broad policy change with constitutional implications.

From January 7 through November 28, 2011, I served as Counsel to the Governor of the State of Vermont. As the only lawyer in the Governor's office, I dealt with a wide range of legal issues in a fast-paced working environment. My work included (1) providing frequent advice to cabinet members, counsel from other agencies, and the Governor's staff concerning conflicts of interest and ethical requirements; (2) reviewing all legal documents signed by the Governor, from requests for disaster declarations to approvals for bond issues and extradition warrants;

(3) providing close and ongoing coordination with the Vermont Attorney General's office concerning matters in which the Governor was interested; (4) drafting legislation, testifying before legislative committees, and reviewing bills passed by the General Assembly; and (5) providing legal advice to the Governor, cabinet members, and the Governor's staff on a wide assortment of issues ranging from telecommunications to state and federal powers, and from labor law to agency appointment processes.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

From 1993 through 2010, I represented a range of clients. My single biggest cohort of clients consisted of workers injured in the course of their work. These clients included blue collar workers, nurses, tech-industry manufacturing workers, sales representatives, and administrative professionals. In my family law work, I did not typically represent clients in high-asset divorces; most of my family-law work was for ordinary working Vermonters from a host of backgrounds. Finally, I represented a substantial number of lesbian, gay, bisexual, and transgender Vermonters from around the state and a host of backgrounds.

In 2011, when I served as Counsel to the Governor of Vermont, my only client was the Office of the Governor.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

From 1993 through 2010, I estimate that 90 percent of my practice involved litigation. Many of my negligence cases, employment cases, and workers' compensation cases settled shy of significant court or administrative proceedings. I appeared in state court some, before the Vermont Department of Labor frequently, and in federal court occasionally, where I tried one case to a jury verdict. The non-litigation aspects of my pre-2011 practice included advice to individuals and businesses on various issues, labor negotiations, contract negotiations or reviews, and estate planning.

- i. Indicate the percentage of your practice in:

1. federal courts:	2%
2. state courts of record:	49%
3. other courts:	0%
4. administrative agencies:	49%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	99%
2. criminal proceedings:	<1%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I estimate that I was sole or chief counsel in approximately 75 family, civil, and administrative matters tried to a judgment, and hundreds of matters that resolved short of a dispositive hearing or trial.

- i. What percentage of these trials were:
- |              |     |
|--------------|-----|
| 1. jury:     | 2%  |
| 2. non-jury: | 98% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the United States Supreme Court.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- the date of representation;
- the name of the court and the name of the judge or judges before whom the case was litigated; and
- the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *M.B. v. Mace Security, Int'l*, Opinion No. 51-04WC, 2004 WL 296784 (Vt. Dept. Lab. Ind. 2004)

From approximately 2003 to 2005, I represented an individual who suffered a significant closed head injury after he was hit in the head by a projectile launched from a grenade launcher while demonstrating less-than-lethal products sold by his firm. The extent of his injury was disputed, and was the subject of a contested workers' compensation hearing. My client prevailed before the Commissioner, and the parties settled the case on appeal.

Tribunal/Adjudicator

Vermont Department of Labor & Industry

Margaret Mangan, Hearing Officer  
Laura Kilmer Collins, Commissioner

Opposing counsel

Stephen D. Ellis  
Paul Frank & Collins  
One Church Street  
Burlington, Vermont 05401  
(802) 658-2311

2. *In re Grievance of Vt. State Emps.' Ass'n*, 2005 VT 129, 179 Vt. 228, 893 A.2d 333 (2005)

The Vermont Labor Relations Board concluded that the applicable collective bargaining agreement did not entitle an employee to insist on union representation in a meeting with management. From approximately 2003 to 2005, I represented the Vermont State Employees' Association in the employee's appeal. The Vermont Supreme Court affirmed.

Tribunal

Vermont Supreme Court  
Reiber, C.J., Dooley, Johnson, and Skoglund, JJ. and Allen, C.J. (Ret.)

Co-counsel

Lisa Shelkrot  
Langrock Sperry & Wool  
210 College Street  
P.O. Box 721  
Burlington, Vermont 05402  
(802) 864-0217

Opposing counsel

Bridget Asay  
Stris & Maher, LLP  
28 Elm Street, Second Floor  
Montpelier, Vermont 05601  
(802) 858-4285

3. *R.H. v. Addison County Comm'n Sales*, Op. No. 23-03WC, 2003 WL 21336967 (Vt. Dept. Lab. Ind. 2003)

From approximately 2002 to 2003, I represented the estate of an individual who was killed in the course of his work hauling animals to auction for Addison County Commission Sales. The legal issue was whether he was an employee or an independent contractor of Addison County Commission Sales for the purposes of the workers' compensation statutes. The Department of Labor resolved the case in my client's favor

on summary judgment.

Tribunal/Adjudicator

Vermont Department of Labor & Industry  
Margaret Mangan, Hearing Officer  
Michael Bertrand, Commissioner

Opposing counsel

Keith Kasper  
McCormick, Fitzpatrick, Kasper & Burchard, PC  
40 George Street, Burlington, Vermont 05401  
(802) 863-3494

4. *P.C. v. City of Burlington*, 2003 VT 107, 176 Vt. 239, 844 A.2d 722 (2003)

From approximately 1998 to 2003, I represented a firefighter who suffered from PTSD following a particularly harrowing experience at a fire. The issue in the case was whether he qualified for workers' compensation benefits for the injury. The central legal question was whether the factfinder should compare the stresses the firefighter underwent to the ordinary stresses of firefighters, or of workers more generally. We tried the case at the Department of Labor, and lost. Then we appealed to the Chittenden Superior Court, where we won a jury verdict. The Vermont Supreme Court reversed.

Tribunal/Adjudicator

Vermont Supreme Court  
Amestoy, C.J., Johnson, and Skoglund, JJ., Allen, C.J. (Ret.) and Gibson, J. (Ret.),  
Specially Assigned

Co-counsel

Lisa Shelkrot (co-counsel at trial)  
Langrock Sperry & Wool  
210 College Street  
P.O. Box 721  
Burlington, Vermont 05402  
(802) 864-0217

Opposing counsel

John Leddy  
McNeil, Leddy & Sheahan,  
271 South Union Street  
Burlington, Vermont 05401  
(802) 863-4531

5. *N.R. v. Orleans Essex Visiting Nurses Ass'n*, Op. No. 19-01WC, 2001 WL 855157  
(Vt. Dept. Lab. Ind. 2001)



From approximately 2000 to 2001, I represented the estate of a visiting nurse who died in a car accident at the end of a work shift. The issue was whether the injury arose in the course of the nurse's employment. After a contested hearing, the Department of Labor and Industry ruled in favor of my client.

Tribunal/Adjudicator

Vermont Department of Labor and Industry  
George Belcher, Hearing Officer  
Tasha Wallis, Commissioner

Opposing counsel

Matthew Gilmond

I am unable to locate Attorney Gilmond's current contact information. At the time of this case, he was an Associate at Ryan Smith & Carbine, Ltd., 98 Merchants Row, Rutland, Vermont 05702.

6. *Baker v. State of Vt.*, 170 Vt. 194, 744 A.2d 864 (1999)

From 1997 to 1999, along with Susan Murray of Langrock Sperry & Wool and Mary Bonauto of Gay & Lesbian Advocates & Defenders, I was co-counsel to three same-sex couples who requested marriage licenses from their town clerks and were denied. They sued the State of Vermont in the Chittenden Superior Court claiming a state constitutional right to legally marry on the same terms as heterosexual couples. The trial court entered judgment for the State, and the Supreme Court reversed on appeal, ruling that the State of Vermont was required to extend the full panoply of legal protections, supports, and obligations of civil marriage to same-sex couples.

Court

Vermont Supreme Court  
Amestoy, C.J., and Morse, Dooley, Johnson, and Skoglund, J.J

Co-counsel

Susan Murray  
Langrock Sperry & Wool  
210 College Street  
P.O. Box 721  
Burlington, Vermont 05402  
(802) 864-0217

Mary Bonauto  
Gay & Lesbian Advocates & Defenders  
18 Tremont Street, Suite 950  
Boston, Massachusetts 021080  
(617) 426-1350

Opposing counsel

Eve Jacobs-Carnahan

I am unable to locate current contact information for Attorney Jacobs-Carnahan. She previously served as an Assistant Attorney General at the Office of the Vermont Attorney General, 109 State Street, Montpelier, Vermont 05609.

The Honorable Timothy Tomasi  
Washington Superior Court, Family Division  
2255 North Main Street, Suite 1  
Barre, Vermont 05641  
(802) 479-4205

7. *Wood v. Fletcher Allen Health Care*, 169 Vt. 419, 739 A.2d 1201 (1999)

From approximately 1997 to 1999, I represented a workers' compensation claimant in a case in which the insurer discontinued her temporary total disability benefits during her pregnancy on the ground that she was temporarily unable to have surgery to correct her workplace injury. The Department of Labor and Industry ruled in my client's favor, and the Vermont Supreme Court affirmed, concluding that the client's pregnancy was not a superseding intervening event that broke the causal connection between her work-related injury and her disability.

Tribunal

Vermont Supreme Court  
Amestoy, C.J., and Dooley, Johnson, and Skoglund, JJ., and Zimmerman, D.J., Specially Assigned

Opposing counsel

Christopher McVeigh  
McVeigh Skiff Attorneys  
30 Elmwood Avenue  
Burlington, Vermont 05401  
(802) 660-2466.

8. *Morgan v. Kroupa*, 167 Vt. 99, 702 A.2d 630 (1997)

From 1995 to 1997, I represented a client who found a lost dog, made various efforts to locate the dog's proper home, and ultimately made the dog her own. Fifteen months later, the dog's prior owner learned of the dog's whereabouts and took the dog back. I represented my client in a suit to get the dog back. The trial court ruled in her favor, and the Supreme Court affirmed on appeal. In doing so, the Court ruled that ordinary common law or statutory rules governing lost personal property do not provide a useful framework for resolving disputes over lost pets, and must be applied in a way that recognizes the unique status of pets.

Tribunal

Vermont Supreme Court

Gibson, Dooley, Morse and Johnson, JJ., and Allen, C.J. (Ret.), Specially Assigned

Opposing counsel

Christena M. Obregon  
84 Pine Street, Suite 300  
Burlington, Vermont 05401  
(802) 862-9244

9. *Dalury v. S-K-I Ltd.*, 164 Vt. 329, 670 A.2d 795 (1995)

A partner in my law firm had represented a skier who was injured when he collided with fixed metal posts forming the lift line maze at a ski resort. The trial court granted the defendant summary judgment, and from approximately 1994 to 1995, I took the lead representing the client on appeal. The primary issue was the enforceability of the liability waiver on the back of the client's ski pass. The Vermont Supreme Court ruled that the waiver was not enforceable in this context and reversed and remanded.

Tribunal

Vermont Supreme Court  
Allen, C.J., and Gibson, Dooley, Morse and Johnson, JJ.

Co-counsel

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Opposing counsel

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P.O. Box 310  
Rutland, Vermont 05702-0310  
(802) 786-1000

10. *Dall v. Kaylor*, 163 Vt. 274, 658 A.2d 78 (1995)

From approximately 1994 to 1995, I represented a buyer who purchased a horse from out-of-state sellers. The trial court granted the sellers' motion to dismiss for lack of jurisdiction. On appeal, the Supreme Court reversed, holding that Vermont had personal jurisdiction where the sellers advertised to sell the horse in a nationally circulated publication with distribution in Vermont.

Tribunal

Vermont Supreme Court

Allen, C.J., and Gibson, Dooley, Morse and Johnson, JJ

Opposing counsel

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Sylvester Law Firm  
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Burlington, Vermont 05401  
(802) 864-5723

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

The most significant legal activity I pursued before I was appointed to the Vermont Supreme Court was advocating for the freedom to marry for same-sex couples in Vermont. This activity encompassed grassroots organizing and public education efforts, a lawsuit litigated through resolution by the Vermont Supreme Court, intensive legislative advocacy in 2000 culminating in passage of Vermont's civil union law, ongoing grassroots organizing and public education, and another intensive period of legislative advocacy in 2009. Because I did not receive compensation from any client for this work, I was not a registered lobbyist at the time.

As Counsel to the Governor of Vermont, I worked at the intersection of law, policy, and politics. My duties included counseling the Governor and representing the Governor in the legislature, advising the Governor, members of his staff, and others in his administration about ethical issues and a wide range of legal matters, from administrative to statutory to constitutional.

In private practice, I also worked on a variety of significant legal activities. For instance, I advised clients seeking global advice synthesizing constitutional analysis, political assessment, and strategic advice to advance them toward their advocacy goals. A significant portion of my law practice (approximately 30 percent) involved personal injury litigation. In all my years in practice, only one of the personal injury cases on which I was lead counsel went to trial; as a consequence, this work is not represented on the above list of fully litigated cases. I represented nearly a dozen plaintiffs whose cases

involved injuries allegedly incurred as a result of others' negligence while skiing or snowboarding.

Finally, throughout my legal career, I have been involved in a host of matters, both litigated and not, that influenced the development of the law in Vermont relating to lesbian, gay, bisexual, and transgender individuals. In particular:

I successfully represented an employee of the University of Vermont who sought recognition by his employer for health insurance purposes of his Canadian marriage to his partner. As a result of our efforts, the University of Vermont changed its policy.

I successfully represented a couple seeking recognition by a Vermont probate court of their out-of-state marriage for purposes of second-parent adoption (before Vermont allowed same-sex couples to marry).

With co-counsel, I successfully represented a surviving partner seeking Social Security survivor benefits for her child on account of her civil union partner's death where the Social Security Administration initially declined to recognize the parent-child relationship because it was predicated on a civil union.

Gay & Lesbian Advocates & Defenders and I represented a transgender client who had been terminated from his job on account of his transgender status. As a result of our efforts, the Vermont Attorney General for the first time concluded that such discrimination was prohibited by Vermont's then-existing nondiscrimination laws (before gender identity was expressly added to those laws).

I represented a transgender patient who faced an uneven playing field with respect to hospital charges for uninsured transition-related expenses in a matter that led to the hospital's formally adopting a new policy to ensure that transgender individuals are treated equally for hospital-charging purposes.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

In the summer of 2006, and again in the spring quarter of 2009, I co-taught an undergraduate course at Dartmouth College with Professor Susan Brison, from the Philosophy Department. The course was called "Sexuality, Identity and the Law" (2006) or "Sexuality, Identity and Legal Theory" (2009). Professor Brison's lectures focused on sexuality and identity from a philosophical perspective. My lectures explored sexuality and identity in the context of constitutional law and family law. Syllabi supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all

anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

When I am eligible, I expect to receive a pension benefit from the State of Vermont.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

If confirmed, I have no plans, commitments, or agreements to pursue outside employment.

22. **Sources of Income:** List sources and amounts all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I may own stocks in companies that are parties to litigation in the Second Circuit. In light of Canon 4(D)(3) of the Code of Conduct for United States Judges, as soon as reasonably possible "without serious financial detriment," I would divest investments that might require frequent disqualification. Before sitting on a case, I would also consider whether I have potential conflicts based on, among other things, my relationship with parties or counsel and my past work at Langrock Sperry & Wool and the Vermont Governor's office. Given that only a small portion of appeals to the Second Circuit come from the District of Vermont, and the number of years I have been on the bench, I expect conflicts to be rare.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I would address any actual or potential conflicts of interest by applying the Code of Conduct for United States Judges and any other relevant ethical canons or rules.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

During my time on the Vermont Supreme Court, I have focused on access to justice issues. For example, as part of my administrative responsibilities, I have been particularly involved in efforts to improve judiciary services for self-represented litigants through more expansive online information and guided interviews. Through the Access to Justice Coalition, I have also been part of collaborative endeavors involving Vermont's legal services organizations, the Vermont Bar Association, and the court system.

In private practice, I spent an average of two hours each week taking calls from would-be clients who could not afford a lawyer. Rather than simply turn the individuals away, my practice was to talk or meet with them to educate or advise them about their options. These matters ran the gamut from family law matters to employment issues and from contract disputes to conflicts among neighbors.

At any given time, I tried to carry several cases that were either pure pro bono or, more commonly, were cases that I knowingly took at a financial loss. For example, most recently before I left private practice, on a pro bono basis, I represented a surviving spouse with few assets in a probate court conflict with the adult children of her deceased spouse relating to their mobile home and other assets of the decedent. Around the same time, I also represented a foreign national with no assets in a family law matter; the representation was partly funded through Violence Against Women Act funds due to allegations of domestic violence, but those funds only covered a small portion of the costs of representation.

In addition, throughout my career, I represented LGBT clients pro bono in matters that had broader ramifications for LGBT civil rights. The *Baker v. State of Vermont* case is the most obvious example, and I committed many hundreds of hours to that case. But I have also represented without charge a host of other clients in this category, including the cases noted above involving: an individual seeking recognition of his marriage for health insurance purposes; a couple seeking recognition by Vermont's probate courts of their out-of-state marriage; a surviving partner seeking Social Security survivor benefits for her child; and a transgender client facing obstacles to health care access. In addition, from 2001 to 2010, I spent unbilled time talking with hundreds of people with legal questions about their rights—most commonly out-of-staters who had joined in civil union in Vermont and then broken up, but also Vermonters trying to sort out issues involving



different jurisdictions, or seeking answers to questions about the implications of Vermont's civil union law or of legally marrying when that became an option.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In mid-March 2021, Senator Patrick Leahy's State Director contacted me regarding the Second Circuit vacancy left by the Honorable Peter Hall. In mid-April 2021, I had a virtual interview with members of Senator Leahy's staff, and on April 22, 2021, I had a telephone interview with Senator Leahy. On May 3, 2021, I interviewed with attorneys from the White House Counsel's Office. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 5, 2021, the President announced his intent to nominate me.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.