

STAYING IN TOUCH

At Rich Cassidy Law, we focus on representing individuals. We have great clients with whom we tend to develop personal relationships. We care about you and want to stay in touch. If we can be helpful, even if it's with a referral outside of our practice areas, please feel free to call—Rich

PANDEMIC, TAKE TWO

By Rich Cassidy

In the early fall issue of the Rich Cassidy Law newsletter, I wrote about the changes Covid 19 had brought to the practice of law. At the time, I hoped that by our next issue, we would be looking at the pandemic in our rear-view mirrors. Not so fast. The winter brought an uptick, all over the country, to the horrific specter of infection and death. Here in Vermont, thanks to careful governance, mask compliance, and high behavior standards, we still lead the continental United States in having the lowest infection and death rate. It is a dubious distinction in some ways but one my colleagues and I embrace as we continue to practice law here.

Here are the basics of how we are working at Rich Cassidy Law: We are rotating employees in the office throughout the week so that the lowest number of people are “in person” together. At risk employees work entirely from home. We “see” clients largely by Zoom and other remote means. In rare instances where an in-person consultation is absolutely required, we observe strict distancing, masking, and intense sanitation practices. We remain fully available to new and existing clients and it has been important to us to “be there” as the humans who make up our practice navigate their way through uncharted waters and a myriad of legal challenges. With spring coming, we will meet with clients in our outdoor courtyard again. (See page 5.)

We are very comfortable with videoconference meetings and are able to help clients who are not familiar with the technology so that they can participate.

Almost all depositions are being taken by videoconference, and this now seems routine. I used to travel regularly for depositions, but the video conference process has proven so effective that I doubt that I will return to regular deposition travel. I think most litigators feel the same way about it. Clients will save money on travel expenses and travel time. And video depositions have certain advantages. For example, I have found it even easier to present documents to witnesses to review by screen sharing and using a pointer.

Nearly all arbitrations and mediations are operating by video conference and the informal nature of these proceedings seems to lend itself reasonably well to that format. Video conferencing makes it easier for participants who are at a distance to participate.

The courts remain mostly closed to in-person contact. Status conferences, hearings on motions, and the occasional bench trial, are occurring via video conference. Bench trials by video conference have proven to be somewhat slower and more cumbersome than in-person trials. Once again there are some advantages to trials by video. It is certainly easier to present witnesses without requiring that they come to the courthouse, particularly if they are located a long distance away. I hope that the courts continue to allow witnesses to participate by video at least when there is any reason to do so.

As far as I know, only one in-person jury trial has been conducted since last March, and that was a criminal case in federal court. The courts are talking about resuming jury trials, at least in criminal cases, but I'm afraid it will be a while before we see a jury trial in civil court.

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RICH CASSIDY LAW
LAWYERS FOR PEOPLE



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SPECIAL POINTS OF INTEREST

- Sophie frolics in the snow
- See what clients have to say about Rich Cassidy Law
- Learn about how mediators use Active Listening



Hope the Snowy Owl



Photos by Carla Mazzariello

SNOWY OWLS IN VERMONT A SIGN OF HOPE

Rich and Becky's beloved niece, Carla Mazzariello, took the owl pictures while walking in the woods near her home in Vermont. It is rare to see Snowy Owls and, like all precious wildlife, you must keep your distance not to frighten them. Their natural habitat is above the Arctic Circle but searching for food can bring them closer to civilization.

Carla named the owl she photographed, "Hope." As we move through the early months of 2021, "Hope" may be just what we need. So, if you are a Vermonter, keep your eyes open for "Hope" in all kinds of ways. Some may see the Snowy Owl, but others may refill the reservoirs of their souls with hope for an end to the pandemic, a return to civility and a kind new normal.

MIKE AND RICH RECOGNIZED AS "BEST LAWYERS"

U.S. News and World Report and *Best Lawyers* have recognized Michael Brow as a "Best Lawyer" for Personal Injury Litigation – Plaintiffs and Richard Cassidy as a "Best Lawyer" for Employment Law-Individuals, Litigation -Lawyer, Labor & Employment, Mediation, and Personal Injury Litigation-Plaintiffs. **Rich Cassidy Law**, was recognized in the same subject areas.

Firms included in the 2021 Edition of *Best Lawyers* are recognized for professional excellence based on consistently impressive ratings from clients and peers. To be eligible for ranking, a firm must have a lawyer recognized in *The Best Lawyers in America*, which recognizes only 5% of lawyers practicing in the United States.

"*U.S. News* has more than three decades of experience evaluating key institutions in society and their service to consumers," said Tim Smart, executive editor at *U.S. News*. "Law firms perform a vital role, and ranking them is a key extension of our overall mission to help individuals and companies alike make important decisions."

"For the 2021 'Best Law Firms' publication, the evaluation process has remained just as rigorous and discerning as it did when we started 11 years ago," says Phil Greer, CEO of Best Lawyers. "This year we reviewed 15,587 law firms throughout the United States – across 75 national practice areas - and a total of 2,179 firms received a national law firm ranking. Congratulations to your firm for being included in this elite and extremely impressive group."

Rich and Mike have been recognized as "Best Lawyers" for many years.

Here's a recipe for oven poached salmon. Courtney adapted the recipe from Alex Guarnaschelli's "Poached Salmon" in her cookbook, **Cook with Me**



1.5 lbs. salmon after baking



Make the sauce while the salmon bakes.



Enjoy! I served the salmon with rice and fresh vegetables.

POACHED SALMON WITH DILL & CHILE BUTTER SAUCE

Ingredients for the Salmon:

- 1 large lemon cut into rounds
- Several sprigs fresh, flat-leaf parsley
- 1 tsp. whole black peppercorns
- 4 dried bay leaves
- 1 tsp salt for poaching liquid
- 1 –1.5 lbs. salmon filet

Ingredients for the Sauce:

- 4 tbsps. unsalted butter
- 1 yellow onion or 2 medium shallots, diced
- 1 tsp. sambal oelek or garlic ginger chile paste (Sriracha could work in a pinch)
- 2 sprigs fresh dill, including stems, finely chopped

Directions:

1. Preheat the oven to 425.
2. Place aromatics in a casserole dish that will fit the entire salmon filet. Cover with about 1/2 inch of cool water.
3. Place the salmon, skin-side up, in the poaching liquid. Add enough water so that most of the pink flesh is submerged.
4. Place salmon in the oven. Check after 7 minutes. How long it takes will depend on the filet's thickness and your preferred doneness. When salmon is done to your liking, remove from the oven and place the salmon on a serving platter so it does not keep cooking.
5. To make the sauce, melt 1 tbsp. butter in a small saucepan. Add the onion with a pinch of salt and cook until tender, about 2 mins. Whisk in the remaining ingredients and taste for seasoning. Adjust to your liking with more chile sauce, salt, or vinegar. (I suggest doubling the recipe – it's that good!)
6. Top the salmon with the sauce and serve with rice, or other side of your choice.

PANDEMIC SURVIVAL WITH SOPHIE ANN

By Becky Cassidy



Sophie playing in the snow

Vermont winters are long, cold, and often snowy. By my count we had seven months of winter in 2020 to say nothing of a pandemic “snowing” us in as spring was finally arriving. So after more Vermont winters than I care to count, I look for some hopeful way to endure the early darkness and frosty sidewalks. Enter Sophie Ann Cassidy, our beloved mini-golden doodle who turns 2 on March 6.

Sophie met her first winter eight months into her young life. Though initially cautious after the first coating of white appeared on the driveway, she took to it like peanut butter to jelly. Rich and I had thought about getting her booties to protect her young, tender feet. Ha! She scampered up the hill to her playground of

friends with joyous abandon. And since those early days, she has proven to be a seasoned winter dog, greeting each snowstorm as if she were a child lurking by the door with sled in hand when the first flakes fell.

Watching Sophie embrace the winter snow has caused me to pause as I consider the impact of the last year on all of us. A pandemic, according to some experts, comes along once every hundred years. So many who have lived on earth have never experienced what all of us have lived through, and some have died from, in 2020. This snowstorm of germs has flattened and decreased our population and caused our lives to be scattered to the wind. It is easy to feel defeated and depressed. It has really been more a blizzard than a snowstorm.

But Sophie is impervious to the sinister aspect of the pandemic snowstorm. Instead, she lifts her head each morning as her harness is put in place by her loving father and off she goes. There are sticks to be retrieved and carried proudly in her mouth to the park. There are her bevy of friends, human and canine to meet and gambol with across the snow-covered green. There are squirrels to chase, tricks to perform and snow banks to climb.

When she returns home with snow-encrusted paws and mischief in her eyes, she runs to meet me as if she had never seen me before. The pure joy in her eyes is enough to cause me to hug this little bundle of icy fur despite the damp outcome for me. Her life is simple. She does not know there is a pandemic. She wags and frolics her way through each day asking little except love, treats and food from us. Whether we are working at the office or from home, she only wants to be near us. And that is enough for us to remain besotted with Sophie and grateful to have lived through another Vermont winter, and thus far survived Covid 19. There is hope for all of us humans. Watch the dogs in your life.

CONTINUED FROM PANDEMIC, TAKE 2, P.1

On the positive side, the practice of law is, by definition, a navigation of stormy seas and we are accustomed to sailing clients to safe harbors. I miss the face to face contact I have had with thousands of clients over the last 40 years. I look forward to its resumption. A friend of mine, not a lawyer but also an in-person deliverer of professional services, remarked to me that he misses individual clients when they no longer need his help. So do I. But I take immense satisfaction in the solutions, positive outcomes, and worthwhile resolutions that I have helped generate over the years.



Walking my dog, Sophie Ann in unexpected sunshine today, I looked up at the blue sky and melting icicles and felt hopeful. That has been a foreign feeling through much of the last year. But I embraced it and counted my blessings as we strolled outside my office complex. Though there were icy spots, Sophie Ann and I both had a spring in our steps. Sophie’s may have been more due to a flock of incoming birds! But if the birds are returning, spring is on the way and I will be delighted to embrace the brighter sun and improving health for the planet.

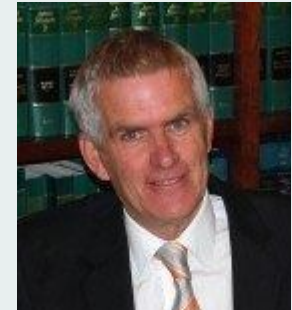
I look forward to my personal “shot in the arm” and wish speedy delivery of the same to all of you. We are here for you in every way. Don’t hesitate to pick up the phone or email me, Mike, Matt, or Amanda. And please join me in being hopeful. Just as we have survived the pandemic together, looking forward to a kind, new normal is on the horizon for all of us.

Rich

OUR FIRM:



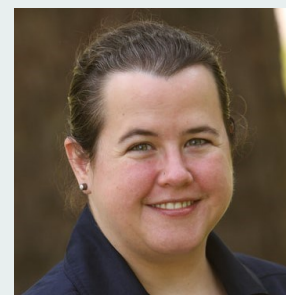
Founding Attorney Richard Cassidy



Attorney Mike Brow



Associate Attorney Matthew Shagam



Associate Attorney Amanda Lee

Linda Jackman - Business Manager

Becky Cassidy - Marketing and Community Relations Director

Courtney Seale - Administrative Assistant

Our attorneys are talented in many ways. Amanda Lee has been writing poetry since she was 10.

WINTER COCOON

By Amanda C. Lee

Powdery snow dances on the wind across the frozen lake;
the world cocooned in layers of white.
And I enjoy my own winter cocoon, layers of warmth wrapped around me, some providing warmth of a different kind-
Care and love woven in with each knit or purl stitch.

The air is sharp, but the sun glorious against my skin.
Soon the sap will be flowing, drops of gold plinking into buckets;
the days lengthening even more and the earth stirring, awakening.

But for now, there is beauty to enjoy in this winter scene—
the crunch of snow underfoot, the frozen paintings of ice on morning windows,
the music made by skipping rocks across lake ice,
the flash of red as Cardinals dart through trees.

I burrow into my woven cocoon and know that soon,
soon I will be able to shed these layers--
stretch my arms like wings in a warm summer breeze,
curl toes in soft green grass and bite into sweet, sweet strawberries.

Spring will come, soon followed by summer.
Until then, I am cocooned in warmth and wrapped in love.



HOME THOUGHTS —NEXT DOOR

By Becky Cassidy

Twenty years ago, Rich and I moved into a broken down old (built in 1946) summer camp turned winter “home.” Why? A good question. Because it was on the lake and had its own beach, a beautiful view, and in realtor language, “possibilities.” Next door was another tear-down, with all the positives of our house and the obvious negative. A young couple bought that house, immediately tore it down and built a lovely home. They moved in with their baby and we were delighted.

Though it took us much longer to tear down our house and build a new home, there was never any tear in our friendship with our neighbors. Our mutual architect explained, as he designed both houses, that they did not have to be the same, but set in very close proximity, they must rhyme. And that has been the keystone of our friendship.

Did we need a forgotten food item? Did they? If guests were coming would an additional appetizer sent down to their patio or up to our deck be helpful? Did a package need to be put inside either front door on days we’d be home late? If there was no Chardonnay or beer in one refrigerator, surely there would be next door. In good times and bad, we have been there for each other over two decades.

Through the years this easy and graceful give and take cemented itself in our lives and hearts. We never hesitated to ask if we needed something. Neither did they. Their baby grew into a beautiful little girl who scampered frequently up the driveway to visit us. How lucky were we.

So, this year, as I battled the inevitable isolation that Covid delivered so cruelly, I reflected on how many times in the last 20 years I had thought, “I’ll ask Lori.” Or, “Mark might know.” And often they did. Two decades of respectful, loving friendship lies between us. We don’t mind each other’s business. We entertain both separately and together. Last April in the 40-degree weather we started a socially distanced nachos hour from our stair landing to their patio. It was a lifesaver for both families.

It looks like we have a few more months of this pandemic left. That has caused me to reflect on Robert Frost’s poem, “Mending Wall.” “Good fences make good neighbors.” he says. And that has been open to much interpretation through the years and few take it literally. A fence can be a physical object, but it can also be distance in another kind of way. Friends, neighbors, colleagues all observe certain boundaries. When we are lucky, those fences are nimbly and harmoniously climbed. “Love thy neighbor,” the Bible admonishes. We do.



CLIENT REVIEWS



Here is what a Rich Cassidy Law client says about **Associate Attorney Matt Shagam**:

“Matt Shagam did a great job with my employment case. Matt’s approach was validating and his results were beyond my expectations. He is thorough, efficient with time and extremely respectful and kind. He leaves no stone unturned in looking at all possible scenarios and outcomes. The sense of validation that I came away with will continue to serve me well as I move forward in the job market. I highly recommend **Matthew Shagam** and **Rich Cassidy Law**.” *A Satisfied Client*

CLIENT NOTE SENT TO RICH



Dear Rich,
It was good to talk with you - and your advice was a great comfort. I will let you know if I hit any major Snags?
Meanwhile, keep well.
♡ Linda

A MEDIATOR'S TOOLKIT: ACTIVE LISTENING

By Rich Cassidy



When I prepare a witness for a deposition, I cover certain fundamentals. Among the most basic are these: "Listen to the question. Let the questioner finish the question. Be sure you understand the question before you begin to answer it. If you don't understand it, ask for clarification."

Even with that instruction, and even after I practice with the witness, at most depositions, within 15 or 20 minutes of the start, I have to ask for a break and remind the witness not to interrupt the questioner.



Rich Cassidy prepares to meet a client outdoors.

With Spring approaching, our attorneys are glad to meet you outside in our courtyard if you require an in person meeting.

Why do I see this again and again? Because under stress, most people revert to habit. Typically, most of us don't listen. Our ordinary conversational habits are terrible. In conversation, most people don't let the speaker finish. As soon as one person thinks they know what the speaker is saying the "listener" interrupts and launches his or her own comment.

The imperfection of ordinary conversation is a real opportunity for a mediator. People ache to be heard. This is never more true than when people are locked in a bitter dispute and have spent months or even years arguing with one another — advancing their best arguments and ignoring the other side.

A mediator who listens to all sides of a dispute — and who demonstrates that he or she is listening — is a breath of fresh air.

Communication scholars call it "active listening," and it is perhaps the most basic of all a mediator's tools. "Active listening is certainly not complex. Listeners need only restate, in their own language, their experience of the expression of the sender." Gordon, Thomas, *Leader Effectiveness Training* (New York Wyle Books 1977), 57.

There are lots of ways to do this. One of the first mediators I ever saw repeated what he was told: verbatim!

Most couldn't do that, but we can restate our understanding of what each participant said. That's independently important when the mediator isn't exactly sure what is meant. Seeking clarification on points where there is uncertainty not only improves the mediator's understanding, it assures the party that he or she has been heard.

Just providing assurance that a participant has been heard and understood is a step towards resolution. In these complicated times, when listening to each other is paramount, the effectiveness of a skillful listener is applicable to basic human conversation as well as in my work as a mediator. You may "hear" something worthwhile.

(Rich Cassidy has served as a mediator/arbitrator for nearly 30 years. It remains one of the most enjoyable and fascinating areas of his practice. During the pandemic, he offers remote mediations which effectively bring opposing parties to successful conclusions. Let us know if we can help resolve ongoing cases with mediation.)



CURRENT RICH CASSIDY LAW OFFICE PROCEDURES

At Rich Cassidy Law we continue to actively counsel and advocate for our clients and take on new clients.

We are happy to be working from the office again!

Most of our communications with clients, opponents, and the Courts are by digital means: phone, email, and video conference. If in-person meetings are necessary, they can be scheduled. Social distancing will be maintained and all parties will wear masks. We will provide disposable masks if needed.

In-person meetings may be conducted under the following conditions:

1. No one may enter the office without an appointment;
2. No one may enter the office experiencing symptoms of respiratory illness, i.e. fever, cough, and/or shortness of breath;
3. No one may enter the office unless wearing a mask covering nose and mouth;
4. You must continue to wear such a mask while in the office.

If you wish to arrange a conference, please call or email. Our phone number is 802-864-8144.

Thank you

March, 2021

PUGS' CORNER

By Courtney Seale



Dexter and Gia during a quiet moment

As we approach the one year mark of spending practically 24/7 at home together, Matt, Gia and Dexter (our puggles), and I have learned a few things about each other. As with humans, we've experienced new things at home and our reactions to these situations have sometimes been surprising even if the new situation is just more togetherness.

Dexter, being half pug, is treat obsessed. Gia is too, but she is never the ringleader and hardly ever makes a sound. Not Dexter. He sits and fixates for hours on the box of Greenies he is hoping he can will to fall on the floor for him. He has also taken to barking at the box. I usually begin my workday at the kitchen table. I thought I had solved Dexter's noisy obsession by moving the treats to the front

door. Boy, was I wrong! That is directly between where Matt works upstairs and where I work. Dexter sits in the hallway and every few minutes lets out a little bark telling us he knows the Greenies are there and he wants another, usually his third of the morning. I think the next place I leave the Greenies will be our neighbor's porch!

Once in a while, Gia is overcome with a spurt of gleeful playfulness. My goofy girl will headbutt me and push her snout up and down my side, then roll over onto her back and start purring. It is rare, but I have learned how to inspire this behavior since being home. Take a Zoom yoga class! As soon as I move to the mat, my sleepy puggles who don't even lift their heads when there is a knock on the front door, come and join in the "playtime." It is not the relaxing class I had hoped for, but it turns out to be the laugh I needed.

What have I learned? Aside from the need for a better place to keep the Greenies and that the mute button on Zoom is a lifesaver, if I ignore Dexter for long enough and don't look at him, he eventually quiets down. And, no matter how soundly asleep the puggles are, when I get down to their level, it is playtime. One thing we have all learned is how much we miss our time at the office. I miss my co-workers at **Rich Cassidy Law** who have become dear friends over the years. The puggles miss the tremendous love they feel and plentiful treats they received when they went to the office with me. They especially miss the Business Manager, French Fry Linda, who always makes sure she gets a little something extra to share when the puggles are at the office.



RICH CASSIDY LAW

Our firm represents people, not businesses or institutions. We focus on personal injury litigation and employment law. We represent people who have been injured due to the fault of others, and employees in disputes with their employers or former employers.

Justice is not given; it is achieved. Without help from a competent, experienced lawyer, you may get nothing, or you may get whatever pittance the insurance companies or employers choose to give you. We strive to offer the very best legal counsel, advice and support available. The experienced staff at Rich Cassidy Law will assist you from the time you contact us through the conclusion of your case. You can count on being treated humanely and courteously throughout the course of your time as our client.



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