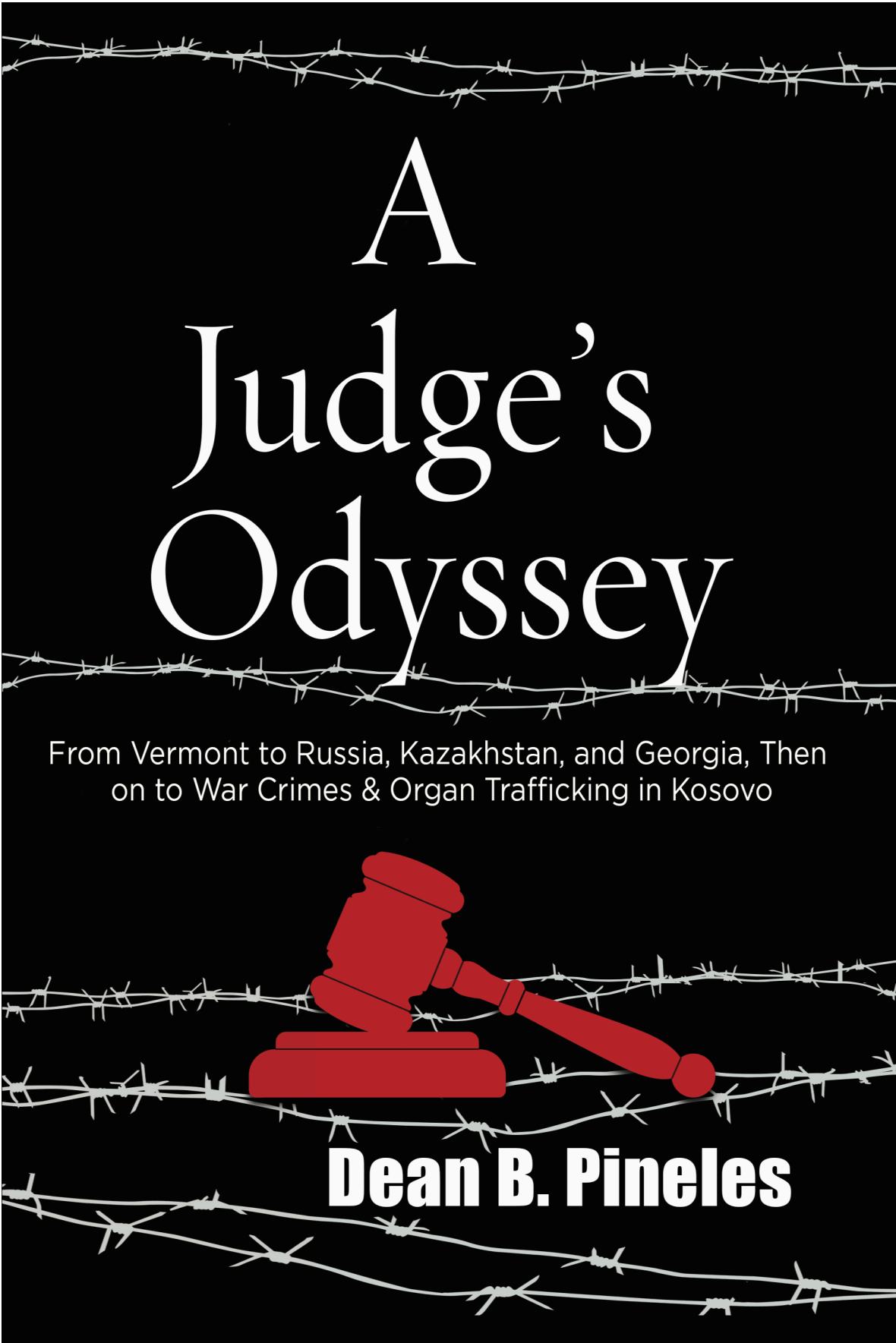




A Judge's Odyssey

From Vermont to Russia, Kazakhstan, and Georgia, Then
on to War Crimes & Organ Trafficking in Kosovo



Dean B. Pineles

“A compelling account by a distinguished Vermont judge who seeks to uphold the rule of law in a part of the world that ‘repays blood with blood.’ Always attuned to humanity, Dean Pineles takes us on a journey that can be harrowing or humorous, but leaves readers with a profound appreciation of the devastating consequences when a society values vendettas more than victims, and power more than precedent.”

—Jeffrey Amestoy, former Vermont Supreme Court chief justice and author of *Slavish Shore: The Odyssey of Richard Henry Dana Jr.*

“This book provides a fascinating insight into the minutia of international justice. Judge Pineles’ account highlights the many challenges faced by those tasked with actually implementing ambitious mandates, and the difficulties inherent in navigating both bureaucracy and political interests at both local and international levels.”

—Aidan Hehir, University of Westminster, London, and coeditor of *Kosovo and Transitional Justice: The Pursuit of Justice After Large-Scale Conflict*

“My EULEX [European Union Rule of Law Mission in Kosovo] colleague Judge Dean Pineles came to Kosovo with the training, education, and experience of an outstanding judge and had an immediate impact on his Kosovar and international colleagues. Judge Pineles sought out and was assigned to some of the most important cases that came before EULEX judges. This book is a good, educational, and sometimes hilarious account of his and our time in Kosovo. A great read that brought back many good memories about the work and the wonderful people of Kosovo.”

—Judge Charles Smith III, international criminal judge, Kosovo Special Chambers, The Hague, Netherlands

“What an interesting life Dean Pineles has lived. Commissioner of labor and industry, governor’s counsel, and Vermont trial judge were enough to make a career, but after those jobs Judge Pineles became an international criminal judge, hearing cases of war crimes and human organ trafficking in Kosovo and providing training on rule of law and jury trials. His is a life of service

and dedication, and he reveals himself in this memoir as a good man and a good judge.”

—Paul Gillies, author of *The Law of the Hills: A Judicial History of Vermont*

“The memoir authored by Judge Pineles provides marvelous insight into his pathway to the noble work he performed as a principled advocate for international rule of law in post-conflict and developing countries. As is evident from the memoir, it is intuitive that a true democracy depends upon even-handed jurisprudence. However, introducing and sustaining best practices for criminal justice is not an easy task in an environment where those concepts were unknown and, perhaps, unwelcome to some segments of society.

Moreover, as suggested by the memoir, the process is sometimes made more difficult by intersecting bureaucracies and less than noble motivations. Yet Judge Pineles’s navigation from taxi driver during law school to an intrepid judge on foreign territory is remarkable, because the adventures and challenges that he confronted in international settings reflect jurisprudential courage, notwithstanding periodic risks to his safety. Judge Pineles and his work set a high bar for those who work in the international rule of law field, and his story should be read for the important lessons that it teaches.”

—Michael Cuniff, international rule of law practitioner (Kosovo, Serbia, Bosnia, Ukraine, Pakistan, and Ethiopia)

“Dean Pineles offers a delightful, entertaining account of his career in the international arena, where he worked to build rule of law in a variety of countries as they emerged from dictatorship or conflict. Anyone who reads this will gain an appreciation for how challenging, and how rewarding, this work can be.”

—Clint Williamson,
third United States ambassador-at-large for war crimes

“It is extremely rare in the annals of international jurisprudence and war crime prosecutions to get an international justice’s perspective; as a consequence,

this compelling memoir by Judge Pineles, who was on the ground in Kosovo, is required reading for anyone trying to understand how international criminals are held accountable.”

—Philip Kearney, international prosecutor and author of
Under the Blue Flag: My Mission in Kosovo

“Judge Pineles’s book opens a door to the world of international criminal and humanitarian law and allows us a view of not only the issues, but the people who attempt to make this system work. The development of the rule of law is still a delicate balancing act that doesn’t lend itself to binary judgements and suppositions, contrary to popular thought. But more importantly, Pineles’s memoir allows us a nuanced view behind the robes for a deeper understanding of the people who work in this sector and often have to navigate through discontent on all sides.”

—Bronwyn Jones, American journalist in Kosovo

“Dean Pineles provides a road map to a world now at the epicenter of conflict. Russia’s invasion of Ukraine in 2022 makes Pineles’s personal story all the more valuable as a way to understand the places and characters at the center of this conflict. His journey as a Vermont lawyer working globally to strengthen the rule of law should give us all hope that even in war ravaged nations, good people—like Pineles—are helping to make the world better.”

—David Goodman, Vermont author, journalist, and radio and podcast host

“Pineles combs his experience as a judge for the European Union Rule of Law Mission in Kosovo (EULEX) for two and a half years to illuminate the way international law and justice actually develop—or stall—in a war-affected country like Kosovo. In theory, an international juridical organization like EULEX should move ahead even on sensitive cases, whereas a purely local court or panel could get mired by political influence. As Pineles explains, the reality can be quite different. Justice can be frustrated by turf battles, bureaucracy, incompetence, lack of political will when needed, poor communication, and even corruption. Anyone interested in justice in the

Balkans—or interested in utilizing international panels in post-conflict settings—should read this book.”

—Edward P. Joseph, Balkans expert and lecturer and senior fellow,
Johns Hopkins School of Advanced International Studies

“Judge Pineles’s memoir is a journey through a dangerous forest of uncertain trails and trials, searching for that pinnacle of democracy: the rule of law. It includes a near career-ending event when, as the Vermont governor’s legal counsel, he recommended taking into custody the children of a secretive religious community based on allegations of mental and physical abuse, an event etched into Vermont’s legal and cultural history. Pineles subsequently survived a very contentious judicial confirmation process and became a respected Vermont trial judge, inoculated with the wisdom and humility that came from this intense personal ordeal.

Twenty-one years later, after a successful judicial career, Judge Pineles began another career as an international rule of law adviser in Russia, Kazakhstan, and Georgia. Then, after rigorous screening by the European Union Rule of Law Mission in Kosovo, he was selected to be an international criminal judge, helping to improve justice in that tortured land. He finds it a maelstrom of complex social, international, cultural, ethnic and political forces. He recounts many of his cases, including his meticulous fact-finding, and by ignoring these perilous forces he demonstrates how the rule of law should be implemented. Nevertheless, some of these cases have bizarre outcomes which undermine his best efforts. These are compelling accounts. They demonstrate a vigorous mind that brings to life important events. A reader seeking understanding of the frailty of democracy mediated by thoughtful judicial process will find this journey intriguing.”

—Kimberly Cheney, former Vermont attorney general and author of
A Lawyer’s Life to Live

“This is the inside story of justice delayed and frequently denied in post-war countries, despite the best efforts of skilled prosecutors and jurists deployed to advance the rule of law and justice for all persons.

The incendiary politics and conflicted policies of the international

community are exposed during the trial of the high-profile *Medicus* case, an indictment against organ trafficking in the Balkans that shocked the conscience of Europe and beyond—with EU institutions and the governing elite willing to concede the defeat of justice, in the name of regional stability.”

—Jonathan Ratel, *Medicus* chief prosecutor

Also by Dean B. Pineles

Book Chapter

Kosovo and Transitional Justice, Chapter 8, “A Critical Analysis of the Evolution of the Kosovo Specialist Chambers and the Specialist Prosecutor’s Office, and the Rationale for Their Existence”

Online Articles

Balkan Insight

“‘Ghost Court’ Delays Justice for Kosovo War Victims”

“Kosovo’s Medicus Case: Bad Omen for Rule of Law”

“War Crimes Indictments Could Wreck Kosovo-Serbia Talks”

“American Dilemma: What if Kosovo’s Thaçi is Indicted?”

“Donald Trump Should Call a Serbia-Kosovo Summit”

“Trump Administration’s Bet on Kosovo’s Thaçi Fails to Pay Off”

“Were Prosecutors Right to Publicize Charges Against Kosovo’s Thaçi?”

“Kosovo War Crimes File Leaks Deliver a Blow to Justice”

“Kosovo’s Klecka War Crimes Trial Was No Joke”

“How the ‘Kosovo Precedent’ Shaped Putin’s Plan to Invade Ukraine”

“The Controversial Legacy of Dick Marty in Kosovo”

Vermont Bar Journal:

“Life Beyond the Vermont Trial Bench: Tales from Kosovo”

“Kosovo: International Criminal Justice in Slow Motion”

Rhode Island Bar Journal:

“Georgians On My Mind: International Courtroom Drama in Rhode Island”

Op-Eds

“*Free Press* Took Unfair Swipes at Vermont Judiciary”

“Teen’s Judge Chose Compassion over Despair”

Interviews

Montana Public Radio: From Vermont Lawyer to War Crimes Judge
RTV1, video interview for inclusion in Russian documentary about
international human organ trafficking and the *Medicus* case

Screenplay

Episode 3 of Georgian TV series *Verdict*

A Judge's Odyssey

A Judge's Odyssey

*From Vermont to Russia,
Kazakhstan, and Georgia,
Then on to War Crimes &
Organ Trafficking in Kosovo*

Dean B. Pineles

Rootstock  Publishing

Montpelier, VT

First Printing: 2022

A Judge's Odyssey, Copyright © 2022 Dean B. Pineles

All Rights Reserved.

Release Date: July 5, 2022

Hardcover ISBN: 978-1-57869-089-3

Softcover ISBN: 978-1-57869-088-6

eBook ISBN: 978-1-57869-090-9

Library of Congress Control Number: 2021925195

Published by Rootstock Publishing
an imprint of Multicultural Media, Inc.
27 Main Street, Suite 6
Montpelier, VT 05602 USA

www.rootstockpublishing.com

info@rootstockpublishing.com

No part of this book may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of the author, except as provided by USA copyright law.

Interior and cover design by Eddie Vincent, ENC Graphic Services
(ed.vincent@encirclepub.com)

Cover art credit: Shutterstock

Author photo by Gillian Randall

Front map by Tim Newcomb

Parts of chapters 15–17, 19, 23, 25, 27, 29, 34, 35, 37, and the epilogue are reprinted, with permission from the *Vermont Bar Journal*, from “Life Beyond the Vermont Trial Bench: Tales from Kosovo,” Spring 2017, Volume 43, no. 1, and from “Kosovo: International Criminal Justice in Slow Motion,” Spring 2020, Vol. 46, no. 1.

For permissions or to schedule an author interview, contact the author at:
pineles@pshift.com.

Printed in the USA

I wish to dedicate this memoir to Violet, my six-year-old granddaughter, who brings sunshine into my life every time she bursts into my office. Her energy, creativity, wit, laughter, joyfulness, and strong will give me hope for future generations. My fervent hope is that she will grow up and thrive in a world more committed to peace and the rule of law. I also hope that when Violet is older, she takes interest in this memoir to learn more about Grandpa Dean.

Russia, Kazakhstan and Georgia—where Judge Pineles worked to improve the rule of law—and Kosovo in the Balkans, where he adjudicated war crimes and organ trafficking cases.



Table of Contents

Preface	1
Introduction	5
Part I: Career in Vermont	11
Chapter 1: Legal Positions	13
Chapter 2: The Raid at Island Pond	21
Chapter 3: Judicial Career	29
Part II: Russia and Kazakhstan	45
Chapter 4: Vermont Karelia Rule of Law Project	47
Chapter 5: Not Your Borat's Kazakhstan.	59
Part III: Georgia.	63
Chapter 6: Landing a Job	65
Chapter 7: Arrival in Tbilisi	69
Chapter 8: Getting Started	73
Chapter 9: Expat Life	79
Chapter 10: Evacuated to Armenia.	83
Chapter 11: Study Tour to the United States	91
Chapter 12: Jury Trials Again	97
Chapter 13: Our Departure.	105
Part IV: Kosovo.	107
Chapter 14: Hired by EULEX	109
Chapter 15: Brief History of Kosovo.	113
Chapter 16: Getting Started in Prizren.	127

Chapter 17: More About EULEX	139
Chapter 18: Our New Apartment	143
Chapter 19: Kosovo's Legal System	147
Chapter 20: Translation	153
Chapter 21: Clinton Boulevard Bombing Case	157
Chapter 22: Uttering Threats	163
Chapter 23: Murder Case of Cene Daka	171
Chapter 24: Edi Finds Kristina a Job	177
Chapter 25: War Crimes Case of Ejup Kabashi	179
Chapter 26: Corruption, Jails, and Prisons	185
Chapter 27: Assignment in Pristina	187
Chapter 28: Pristina Courthouse	193
Chapter 29: War Crimes Case of Fatmir Limaj	197
Chapter 30: Wedding Crashers	207
Chapter 31: Insurance Scam	209
Chapter 32: Plea Agreement in an International Drug Trafficking Case	213
Chapter 33: Small World Story	217
Chapter 34: Human Organ Trafficking	221
Chapter 35: <i>Medicus</i> Case	227
Chapter 36: Completing Business	237
Chapter 37: <i>Medicus</i> Verdict and Appeals	241
Chapter 38: Conclusion	247
 Epilogue	 251
New War Crimes Court in The Hague	251
<i>Medicus</i> Case, Ongoing Interest	257
The Kosovo Precedent and the 2022 Russia-Ukraine Conflict	258
 Endnotes	 261
Bibliography	267
Acknowledgments	273
About the Author	275

Preface

“He was a man endowed with keen judgment whom neither threats, nor honors could sway.”

*—Inscription on the headstone of Governor Simon Bradstreet,
Salem, Massachusetts (1603–1697)*

My mother Barbara traced her ancestry back to Simon Bradstreet and his wife Anne Dudley Bradstreet, who arrived in colonial Massachusetts from England on the *Arbella* in 1630. Simon served in many governmental positions during his long life, including as governor of Massachusetts Bay Colony on two separate occasions (1679–86 and 1689–92), and was highly respected for his public service, diplomatic skills, business acumen, hard work, honesty, and integrity.

He was one of few people with the courage to oppose spectral (ghostly) evidence leading to the execution of many poor souls convicted of witchcraft during the Salem Witch Trials in the early 1690s. Anne Bradstreet (1612–72) was America’s first English poet, and Bradstreet Gate at Harvard is named in her honor.



Simon Bradstreet. Photo courtesy of Thomas Crane Public Library, Quincy, Massachusetts.

My middle name is Bradstreet and I'm proud of my heritage; Simon and Anne helped settle America. I've been inspired by their lives throughout my career and hope they would be proud of my public service and my willingness to step out of my comfort zone, take risks, and explore new horizons as they did (albeit in the extreme) back in the early 1600s.

This book is a memoir of my experiences as a lawyer and judge in Vermont, which led to my work as an international rule of law judge, primarily in Georgia and Kosovo where I served long-term residential assignments, but also in Russia and Kazakhstan where I served short-term assignments.

Each of these countries was transitioning from some form of upheaval. Russia, Kazakhstan, and Georgia, all former Soviet republics, were still transitioning from the breakup of the Soviet Union and establishing themselves as independent countries. Georgia was the victim of a Russian invasion in August 2008; Kosovo was developing a Western-style democracy following the disastrous war with Serbia in the late 1990s.

Establishing the rule of law is the underpinning of a healthy democratic society, and is extremely important work. It can be satisfying and rewarding as a result of an occasional success story, but can also be extremely frustrating, with failures, unexpected emergencies, turf battles, duplication of efforts, corruption, local resistance, and personality conflicts. The work, as you will see, did not proceed in a smooth, linear fashion.

Working and living in cultures far different from our own produces a never-ending inventory of personal anecdotes which I have included throughout this book. Here is a brief sampling of the international experiences I cover:

During my first trip to Russia, in 1996, I learned about local conviviality the hard way. And I learned about the allure of rock and roll music, while fearing an international incident.

In Kazakhstan in 2006, which I'd thought was a poor, backwater, post-Soviet country, it seemed like I'd been dropped into a Disney set.

While in Georgia in 2008–09, turf battles greatly impeded my work as a jury trial expert, but not from Georgian sources as you might imagine, rather from fellow Americans.

In August 2008, Americans were evacuated from Tbilisi, Georgia, to Yerevan, Armenia, during an international military crisis as the Russians invaded Georgia.

In October 2008, I escorted a group of Georgian judges to Boston, Massachusetts, and Providence, Rhode Island, to observe the American legal system in action. We were invited to observe a jury trial in Providence. The outcome was shocking.

In August 2010, a notorious loan shark was murdered in his office in Prizren, Kosovo, during the holy month of Ramadan. A man who owed the loan shark a substantial amount of money was charged with the murder. The case went to trial a year later, in August 2011, but the trial did not end the matter. Instead, the ancient Albanian Code of Kanun intervened, calling for blood revenge.

In the summer of 2011, two Kosovo Liberation Army (KLA) soldiers went on trial in Prizren, having been charged with a war crime for terrorizing Serbian civilians years earlier, in 1998, during the war between Kosovo and Serbia. The courtroom drama was riveting, as the SWAT team maintained order.

In the fall of 2011, in a case followed closely by the international media, ten former members of the KLA, including a popular politician, went on trial in Pristina, the capital of Kosovo, for war crimes against Serbian prisoners of war. But the prosecution's key witness—a former guard at the detention facility, who was in the witness protection program—became unavailable just before the trial started, creating a procedural and evidentiary nightmare.

Also in the fall of 2011, several Kosovo medical doctors and government officials went on trial for human organ trafficking and organized crime. The case would last for nineteen months, into 2013—one of the longest and most complex cases in Kosovo legal history—gaining international media attention. Unbelievably, nearly a decade later, the case is still in the courts.

Before the war between Kosovo and Serbia, in 1998–99, a Kosovo lawyer

had an active law practice representing people who had been injured in car accidents, but many of the claims remained unresolved when the war broke out. After the war, when he became a municipal judge, he concocted an elaborate scheme to bilk his former clients and their insurance company out of more than 1.5 million euros (over \$2 million at the time). His case went to trial in 2012, and the house of cards came tumbling down.

Introduction

I was born in 1943 and grew up in Hamilton, Massachusetts, less than an hour from Boston, on the North Shore. My childhood was very enjoyable. We lived in a pleasant neighborhood, I walked to school, where I did well; I had two younger sisters to harass, lots of friends, visited my grandparents often, went to the beach, and played sports. We were not wealthy, but lived a comfortable middle-class life.

My dad, Bernie, attended Carnegie Tech and MIT. He worked hard, first as a chemist with United Shoe Machinery Corporation in Beverly (now long gone), where he earned certain patents; then in various management positions; and finally as a principal in an international management company, Pineles International. I was intrigued by his global travels and often mused about the possibility of someday doing the same.

My mom was a typical post-war 1940s–60s stay-at-home housewife, and was very smart, friendly, pretty, and talented. She kept the household running and was a great mother, but as I grew older I came to understand that she was frustrated at not being able to use her many talents outside the home, always catering to my father's needs and wishes, as was common during that era.

My parents instilled in me a strong work ethic. When I was ten or eleven, I started a paper route which grew to around fifty customers and lasted about three years. I saved over \$1,000, which was a fortune for a kid in those days. I attended Hamilton High School my freshman and sophomore years, where I was a good student and played basketball, making the varsity team my sophomore year. I scored 21 points and the winning basket against our archrivals Manchester in a gym full of screaming fans. And I always worked during the summers.

My parents sent me to Mount Hermon School, with my approval, for my final two years of high school. Mount Hermon is a boarding school in western Massachusetts, where my dad graduated in 1937. The money I earned from my paper route was used to offset my tuition. I was a decent student, and played three varsity sports: cross-country in the fall, basketball in the winter, and track in the spring. I was inducted into the Mount Hermon Hall of Fame as a member of the cross-country team, which was undefeated my senior year. Mount Hermon had a mandatory work program for students, so I worked in the bakery my junior year and on the campus crew my senior year, getting up before dawn for each job.

One night during the spring of my junior year, I engaged in a prank that could have gotten me expelled. After dark, while the senior prom was in full swing at the gym, a friend and I snuck down to the working farm on campus and filled two pillowcases with piglets, which we then released into the gym, causing mayhem. We escaped unnoticed, and the piglets were later returned to the farm unharmed. This incident became part of campus lore, and was even discussed at my fiftieth reunion.

During this time, I was introduced to a tall, willowy young woman named Kristina (also known as Kitty) Stahlbrand, who lived in Boxford, a couple of towns over, and who was also in boarding school, at Abbot Academy (now Phillips Andover). We connected immediately and have been together ever since. Kristina's father was from Sweden and her family traveled regularly to Sweden and other European countries. Kristina would regale me about her international travels and I would dream about adventurous travel with her someday.

Following graduation, in 1961, I enrolled at Brown University. I lived in a dorm my freshman year, got acceptable grades, participated on the varsity track team, and learned to enjoy a cold beer. Sophomore year I joined a fraternity, Phi Gamma Delta, which was great fun (think Fiji Island parties), good camaraderie, and lots of mischief, all of which is memorialized by a Fiji owl tattoo on my hip. I still went to class and studied hard, continued with the varsity track team as a high jumper (6'6" before the Fosbury Flop revolutionized the event), and worked at student jobs my whole time at Brown. I graduated in 1965 with a degree in history.



Practice session. Photo courtesy of the author.

During the summer between my junior and senior years, my lifelong friend and I traveled extensively throughout Western Europe in a VW Bug. This was an eye-opening experience for a kid who'd never been anywhere, triggering a wanderlust that endures to this day.

I then enrolled in Boston University Law School in a class of about two hundred with only three women. This was during the height of the very unpopular Vietnam War, and my primary motivation for going to law school was to secure another three years of deferment from my local draft board. I always worked part-time during law school; one of my jobs, my clear favorite, was driving a taxi in Boston, mostly on weekends. "Take me to the airport, and step on it," always resulted in a good tip.

Kristina and I were married on May 28, 1967, after my second year of law school. We lived in an unrenovated apartment in the Bay Village section of downtown Boston, in the house where Edgar Allen Poe was born.

The wedding ceremony was held in the same church where, a decade earlier when I was serving as an acolyte, I had fainted dead away at the altar on Easter Sunday while the minister was preparing the sacrament. The service was interrupted while the minister and others dragged me into an anteroom

where I recovered. I had locked my knees, something I learned later in the army never to do when standing straight up for lengthy periods, like standing at attention.

I graduated with a Juris Doctor degree in 1968, that terrible year in American history with the assassinations of Martin Luther King Jr.

and Bobby Kennedy, and the turmoil surrounding the Vietnam War. That summer I took the Massachusetts Bar Exam, a stressful rite of passage.

I was now listed 1-A at my draft board in Hamilton, having been deferred through college and law school. I opted for Infantry Officer Candidate School, thinking naively that the war might be over before I finished my year-long training. Shortly after the Bar Exam, I boarded a bus in Boston—destination Fort Dix, New Jersey—for basic training.

At a mail call several weeks later, my name was called and I had a letter from the Massachusetts Board of Bar Examiners. My hands were shaking as I opened it, but then I saw the word “Congratulations,” which was all I needed to know. During Christmas leave, before reporting to Fort Benning, Georgia, for OCS, I attended a swearing-in ceremony at the Massachusetts Supreme Judicial Court and became a full-fledged lawyer, albeit totally inexperienced. Kristina and I then took a short ski vacation to Stowe, Vermont, and fell in love with the town. I then began six months of grueling training, but did well, graduating on the Commandant’s List—top 10 percent out of about two hundred—as a 2nd Lieutenant, Infantry.

One of my most unpleasant experiences, among many, was getting completely lost with another officer candidate on a night compass course in a swampy snake- and mosquito-infested hellhole in nearby Alabama. While we survived the elements, it took us several hours to find our way back to the starting point, only to discover that the rest of the company had departed for Fort Benning, leaving us stranded. We were finally able to find a ride back



Joyous day! The author and his bride on their wedding day. Photo courtesy of the author.

to Benning, arriving in the early-morning hours, and were greeted by one of the officers, who yelled, "Where the hell have you been? I was about to mark you AWOL and send the military police."

The war was not over and I assumed I was headed for Vietnam as an Infantry officer, but my orders sent me to Fort Belvoir, Virginia, where I was assigned to a Judge Advocate General unit, working with other young lawyers who had gone to JAG school. I spent my tour prosecuting cases, mostly AWOLs, desertions, and other military infractions, later working as defense counsel—all very good legal training.

Following my discharge in 1971, I accepted a job in Washington, D.C., with the Office of Legislative Affairs in the US Justice Department. This was the office that John Dean headed before becoming White House Counsel to President Nixon. A couple of experiences stand out: I assisted with vetting both Louis Powell and William Rehnquist when they were nominated to the United States Supreme Court, as Associate Justice and Chief Justice, respectively; and with vetting Clarence Kelly when he was nominated as FBI Director. All were confirmed by the US Senate.

At the time, the Justice Department had a program for their young lawyers which involved a six-month stint at the District of Columbia Superior Court as a Special Assistant US Attorney. This was a great assignment where I got additional on-the-ground experience as a prosecutor trying criminal cases before a jury.

One other experience of note: The White House was recruiting for a young lawyer to work on special projects and I was encouraged to go for an interview. This was during Watergate and the person who interviewed me, for whom I would be working, was a man named David Young. He asked me a series of questions about my loyalty to President Nixon, which I did not answer satisfactorily, and I was not offered the job.

Sometime later, as the Watergate scandal continued to unfold, I opened up the *Washington Post* and read that David Young had been indicted as one of the White House "plumbers" (although he was ultimately granted immunity). What would have happened if I had landed the job? Jail, or maybe a book deal? I've often thought about the different path my life could have taken, though perhaps I might not have had the experiences I'm describing in this odyssey.

Part I

Career in Vermont

Chapter 1

Legal Positions

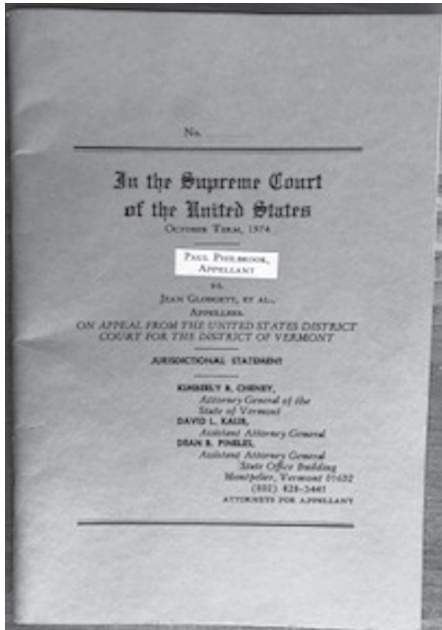
After a couple of years at Justice, and after Kristina graduated from a master's program in German linguistics at Georgetown (she was an undergraduate at Northwestern and Columbia), we decided to return to New England to pursue our careers. I sent out résumés and got an immediate response from the Vermont Attorney General's Office, inviting me for an interview.

The job opening was in the division that represented the department of social welfare, and the department of social and rehabilitation services. I went up to Vermont for an interview with Attorney General Kim Cheney and was offered the job as an assistant attorney general. In early September 1973 we relocated to Montpelier, the state's capital.

The hallmark of my tenure in the AG's office was a case that my office mate and I took to the US Supreme Court in 1975, which involved some obscure provisions of Vermont and federal welfare and unemployment law. I wrote the brief and my colleague presented the oral argument. Although we lost the case, it was an exhilarating experience, sitting in the hallowed, ornate courtroom, presenting a case to the highest court in the land—something most lawyers never get a chance to do.

I left the AG's office in 1976 after three years, and tried my hand at private practice with a small firm in Stowe, my then-hometown. I stuck it out for a couple of years but never really enjoyed it.

During this time, Kristina, who was teaching school in Vermont, had the good fortune to spend several summers in Trier, West Germany, along the Mosel River, teaching the German language to Georgetown undergraduates. On a couple of occasions I met her at the end of her program, and we



*US Supreme Court brief.
Photo courtesy of the author.*

traveled throughout Eastern and Western Europe. The most memorable trip was to East Germany, Czechoslovakia (as it was then known), and Hungary, all behind the Iron Curtain.

After being searched, harassed, and insulted at the border in East Germany, we were admitted and stayed with a married couple with whom Kristina had made contact, in the city of Erfurt. They did not allow us to speak about politics in their tiny apartment, for fear of being bugged, and the Stasi followed us everywhere we went. Joyless people walked the drab streets as if they had lost their

souls, all under the thumb of Mother Russia and local functionaries, and all constantly wary of informers. They would wait in long lines for groceries (that often weren't available) and years for basic items like refrigerators.

The husband, who had trained as a classical musician, was relegated to working in a ball bearing factory where the end product was shipped to Russia. As a gesture of defiance, the workers occasionally made the ball bearings either slightly too big or too small, so they would be useless upon arrival. This experience informed me of the great misfortune of being in the Russian sector when Europe was carved up after World War II, and the absence of basic freedoms and the rule of law, at least as we understand it in the West.

I decided I wanted to return to work in the public sector, and enrolled in the Master in Public Administration program at the Kennedy School of Government at Harvard for the academic year 1978–79. I had time left on the GI Bill to pay the tuition. Kristina remained in Vermont to continue teaching, and working toward another master's degree (EdM) at the University of Vermont. We visited on weekends.

During that year, the Harvard campus was roiling with anti-South Africa

sentiment because of apartheid, and the Kennedy School had a particular problem. My class was the first one to occupy the school's new building complex on JFK Street in Cambridge. The school had accepted a \$1 million donation from the Charles Engelhard Foundation, named for and funded by a man who had made his fortune in the gold and mineral mines of South Africa during the apartheid regime. The library was to be named in his honor, which created a maelstrom on campus.

The *Harvard Crimson*, in an October 13, 1978, article, "Goldfinger Buys a Library," described Charles Engelhard as follows:

Harvard will also be honoring Charles W. Engelhard, the man who for two decades served as the United States' largest corporate backer of the apartheid regime in South Africa. Not just any small-time mogul who has run roughshod over the political and economic rights of 18 million people, but the very epitome of US corporate complicity in apartheid. It is a situation that demonstrates philanthropy at its self-serving worst.¹

I took one of the leadership roles on the student committee we formed to demonstrate our opposition, and after months of protest, including a one-day boycott of the Kennedy School, we were finally able to negotiate a settlement with the foundation which was ultimately acceptable to the university. This called for the foundation to forgo the naming rights and settle for a plaque in the library, but to maintain the donation. This was a good outcome that garnered considerable local media attention.

The *Boston Globe* published a front-page article on May 12, 1979, "Library Won't be Called Engelhard," which stated:

Dean Pineles, one of the three students who negotiated the agreement with the foundation, said yesterday, "It's not an ideal solution, but a real life compromise."²

I was quite satisfied with this outcome that demonstrated the power of civic activism undertaken by mere students, even at an elite university like Harvard. It also demonstrated the power of money in purchasing honorifics by wealthy donors and foundations, something akin to money laundering.

Following graduation with an MPA degree in 1979, I took a public sector job as deputy commissioner and general counsel with the Vermont Health Department. I was responsible for overseeing the department's regulatory programs, such as food safety, water safety, restaurant inspections, and others, and representing the commissioner and board of health in all legal matters. This was my first experience with management responsibilities in addition to legal representation, and it prepared me well for my next job.

In March 1981, I was appointed by Republican Governor Richard Snelling to the position of commissioner of labor and industry. This was a cabinet-level position with statewide responsibility for occupational safety, workers' compensation, building code enforcement, fire prevention, wage and hour enforcement, and the safety of ski lifts.

The *Burlington Free Press* ran an editorial on March 23, 1981, which got me off to a good start, "Discard the Bad Regulations and Enforce the Good Ones," stating,

New Vermont Commissioner of Labor and Industry Dean Pineles is the physician who may have the cure. Already the commissioner has taken a pro-business posture by promising to review 16 volumes of regulations kept by the department. And he'll do so with an eye toward cutting back rather than writing new legislation.³

All was not rosy. On July 3, I was notified that there had been a terrible accident on Mt. Mansfield in Stowe (the "Ski Capital of the East") the night before, involving two men who were repairing the cable on the gondola and were catapulted to the ground, one dying at the scene and one dying later in the hospital. I rushed to the scene early the next morning to assess the situation, then mobilized my inspection team.

My inspectors conducted a thorough investigation and determined that the tragic accident was caused by undersized bolts that pulled loose when tension increased on the cable. I fined the company \$2,300 for three serious safety violations: using wrong-sized bolts, failing to ensure the employees had proper fall protection, and failing to ensure the employees wore hard hats.

While the amount seems paltry, it was the maximum that could be imposed under the law in effect at the time. We then undertook a

comprehensive evaluation of the entire ski industry to ensure that the lifts were safe, not only for workers but for the skiing public, since skiing is a vital component of Vermont's economy. Memories of this tragic situation came flooding back in the fall of 2021, when a worker on the zip line at Mt. Mansfield was killed when he was unable to stop while traveling at eighty miles an hour. An investigation determined that a critical safety feature of the apparatus had failed because it had worn out and had not been replaced as required. In May 2022, the company was fined \$23,000, also a paltry amount.

Another traumatic event occurred six months later. In late December 1981, two young volunteer firefighters perished while fighting a raging fire at the Star Hotel in Bellows Falls, Vermont. My department was responsible for enforcing the state's fire code, and the building had previously been cited for violations. We determined that the fire had started in the basement as a result of a code violation that had not been corrected (piles of trash), and that the two firefighters had not been adequately trained or properly supervised at the scene. This unfortunate matter was widely covered in the media, and I had to defend against allegations that the tragedy was the department's fault, not the building owner's.

In June 1982, Governor Snelling, in his third two-year term, appointed me his legal counsel. He was a moderate Republican and he ran the state well. He was a tough boss and did not suffer fools lightly, but I respected him greatly and enjoyed working for him. I represented him in court and before legislative committees, and acted as his liaison with several state agencies, such as human services, agriculture, and public safety (the state police). I often ran interference for some of the agency heads who preferred to speak through me rather than to the governor directly.

Examples of my legal representation include several highly publicized cases where state employees who had been fired from their jobs attempted to serve the governor with a subpoena and force him to testify either in court or before the labor relations board. I argued against these attempts as a lawyer representing a client, which was my job.

In one case, involving the controversial firing of the state's livestock director, as discussed in an article in the *Rutland Herald* on September 2, 1983, "Snelling Subpoena is Quashed," I was quoted as follows:

[Pineles told the judge] the subpoena would “open the floodgates” to people with grievances against the executive branch, causing the governor’s office “irreparable harm.”

“He (Snelling) would have to go around with his hands in his pockets to prevent being handed a subpoena by everyone who is disgruntled,” he said.⁴

The *Barre-Montpelier Times Argus* ran a story on November 10, 1983, “Judge Quashes Snelling Subpoena,” stating, “Governor Richard Snelling Wednesday successfully withstood another attempt to force him to testify in a legal dispute.”⁵ The article was accompanied by a picture of me with the caption, “Pineles convinced the judge.”

During this time, our daughter Erika was born several weeks prematurely. She had a very rough start, and spent the first three months of her life in the neonatal ICU at the Medical Center Hospital in Burlington, Vermont, clinging to life. Kristina and I lived in Burlington at the time and, after our daily visit to the NICU, were able to walk home in about ten minutes. There were other families with very sick kids from throughout Vermont and upstate New York who had nowhere to stay.

Kristina and I, along with many other concerned members of the community, explored the possibility of starting a Ronald McDonald House in Burlington, and the idea quickly came to fruition. Governor Snelling gave the keynote address at the opening ceremony on Valentine’s Day, 1984. After a tentative several months following her discharge, Erika began to thrive. She is now a women’s health nurse practitioner, having graduated from the University of Vermont and Georgetown; she is married and the mother of a daughter, Violet.

Another important issue during my tenure as legal counsel was the absence of female judges on the Vermont bench. Judges in Vermont are chosen through a merit selection process and serve six-year renewable terms, subject to legislative retention. The Judicial Nominating Board is responsible for submitting the names of qualified applicants to the governor, who then interviews the candidates and makes the appointment, subject to confirmation by the state senate.

Governor Snelling appointed several attorneys to the bench, none of whom were women because none had been presented to him by the Judicial

Nominating Board. In June 1983, a group of eighty-five Vermont lawyers, about half of whom were women, sent Snelling a letter suggesting he reject any list of names submitted to him by the Board that did not contain woman candidates. The editorial writers had taken notice. The *Burlington Free Press* ran an opinion piece on June 7, titled "Judicial Board Should Name Female Candidates,"⁶ and the *Brattleboro Reformer* weighed in on June 10, with an editorial, "Put a Woman on the Bench."⁷

Snelling wanted to correct the problem, and I was tasked with communicating with the Board about the urgency of becoming more aggressive in seeking female candidates. Not too long thereafter, a list from the Board was submitted to the governor which contained the name of a woman for the first time, who was then appointed by him, confirmed by the state senate, and served the state well for thirty years. Women judges soon became regular and welcomed additions to the Vermont judiciary.

Snelling decided not to run for a fourth term early in 1984, so I had to decide what to do next. At the time, Jeffrey Amestoy, who had succeeded me as labor and industry commissioner, was also mulling over his next employment. I had known Jeff from our days in the Attorney General's Office, and he and I had lunch one day where the subject of our next moves came up. I was giving serious thought to applying for a vacant judgeship, and Jeff was planning to run for attorney general in the 1984 election cycle. We both agreed that we would not encroach upon the other's plans, as uncertain as they might be.

I then notified Snelling that I was planning to apply for the judgeship. He listened carefully, and tried to talk me out of it, asking if I might be interested in becoming commissioner of public safety. I thanked him but said I would go ahead with the judicial application.

Jeff won the election and served six two-year terms as attorney general, from 1985 to 1997, and was then appointed chief justice of the Vermont Supreme Court, serving until 2004.

I submitted an application to the Judicial Nominating Board; my name was then forwarded to the governor along with several others. Following the interviews, Governor Snelling informed me that I would receive the appointment, which he announced at a press conference the next day, May 16, 1984.

I then agreed to leave the governor's office in mid-July to begin my judicial

career, subject to Senate confirmation when the legislature returned in January 1985. Before I left, an event occurred which threatened to derail my confirmation and possibly end my legal career: the so-called Raid at Island Pond, which became one of the most notorious events in Vermont's legal and cultural history.