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FINAL TESTIMONY: OPPOSITION TO RETENTION

TO: Joint Committee on Judicial Retention (Attn: Chair Rep. Angela Arsenault & Assistant Lindsey Schreier)

FROM: Jennifer L. Cavanaugh

DATE: February 23, 2026

RE: OPPOSITION to the Retention of Superior Court Judge Rachel Malone

Dear Chair Arsenault and Committee Members,

I am writing to formally oppose the retention of Judge Rachel Malone. Over the course of multiple years and dockets, Judge Malone has demonstrated a pattern of judicial bias, failure to accommodate disabilities under the ADA, and procedural negligence that has resulted in the loss of my family's housing and physical safety.

1. The "Administrative Impossibility" Trap (Feb 23, 2026):

Most recently, on the morning of my final review, Judge Malone issued a "conditional" emergency extension via email at **8:26 AM**, with a deadline of **8:30 AM** to produce a specialist's medical note. Setting a **four-minute window** for a patient with **Invasive Ductal Carcinoma (IDC)** to produce medical documentation is a bad-faith application of the ADA and a physical impossibility.

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2. Procedural Inconsistency and Admission of Inadmissible Evidence:

During my proceedings, Judge Malone explicitly stated in open court that "no new issues" would be entertained. Despite this order, she subsequently allowed the opposing party to enter **14 false reports** into the record. This "trial by ambush" denied me the opportunity to prepare a defense and allowed a fraudulent narrative to be codified into her findings of fact, which I contend are entirely false.

3. Pattern of Bias and "Leading" from the Bench (Case against Joseph Buick):

In a recorded telephone hearing, Judge Malone denied my motion for temporary relief against my abuser, Joseph Buick. During this hearing, Judge Malone was observed "leading" the abuser from the bench, effectively coaching him on how to plea to avoid repercussions. Her partiality toward the defendant directly compromised my safety.

4. Wrongful Denial of Accommodations (11/5/2024):

On Monday, November 5, 2024, Judge Malone denied my request for a Reasonable Accommodation (RA) to continue a final hearing. I was unable to attend due to a verifiable scheduling conflict with the **Vermont Leadership Series** (a program for disabled Vermonters) and my role as an emergency contact for

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my mother following a concussion. Because Judge Malone refused this accommodation, I lost my case by default, leading to my family's illegal displacement.

5. Sanctioning Abandonment of Counsel (Newfane):

Judge Malone allowed my Staff Attorney, Sara Kagel, to withdraw mid-hearing. Judge Malone admitted on the record that she had not read the motion to withdraw but granted it anyway, leaving me legally unrepresented during an active hearing.

Judge Malone's conduct demonstrates a disregard for the rights of disabled citizens and the fundamental principles of due process. I request that the Committee consider these documented failures in her retention review.

Respectfully Submitted,

Jennifer L. Cavanaugh

TACTICAL SUMMARY & NEXT STEPS

1. **SEND THE TESTIMONY:** Copy the text above and send it to Ischreier@leg.state.vt.us immediately.
2. **POLICE REPORT FOLLOW-UP:** Since Officer Simeon cleared you, ask for the **Incident Number** regarding the Shepard report. This is your "Exoneration Exhibit."

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