

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In re: William Cobb, Esq.
PRB No. 2020-99, 2020-103

Disciplinary Counsel's Motion for Protective Order for Certain Testimony and
Motion to Seal Certain Exhibits

Disciplinary Counsel respectfully requests that a portion of the record evidence and testimony be designated nonpublic in order to protect the interests of third parties. *See* A.O. 9, Rule 16(B), (E).

Specifically, it is anticipated that several witnesses may be called upon to answer questions under oath that would call for information related to juvenile court proceedings referenced in the Petition of Misconduct, Count 1 and paragraphs 4 through 21. The protective order is sought for this testimony and is necessary to protect the interests of the father, mother and juvenile(s) who were party to those proceedings.

It is also anticipated that some documentary evidence already flagged in the parties' prehearing exhibit lists will need to be introduced with redactions to protect the same third parties' interests for the same reasons. The Motion to Seal pertains to these exhibits.

It is further requested that the specified witness testimony not be broadcast live on the Judiciary's youtube site in order to avoid the potential broadcast of information that is designated nonpublic.

Vermont Rules for Public Access to Court Records, section 2(d) defines "confidential" as "such information [that] is exempt from public access by law, including a state or federal statute." The Rule further states that "[t]o the extent reasonably practicable, restriction of access to confidential information is implemented in a manner that does not restrict access to any

portion of the record that is not confidential.”

Under Vermont Rules for Public Access to Court Records, section 6(b)(12), “[r]ecords from a juvenile proceeding that are filed with the court or admitted into evidence in a divorce or parentage proceeding” are specifically designated as an exception to public access. The appendix to section 6 further cites 33 V.S.A. §§ 5110, 5117, 5118, 5119, 5122, 5281, 5283; V.R.F.P 1(i)(3) and states “Records in juvenile proceedings are generally nonpublic.”

The protective requests here for the specified testimony and documents are consistent with the intent behind these provisions – to uphold the statutory protection afforded to juvenile court material even where it may be referred to in subsequent public proceedings.

1. Testimony

The following witnesses may offer testimony in response to questions that could include statutorily protected juvenile court information:

Larry Myer. Mr. Myer represented a father in a DCF matter. Questions he could be asked might require him to name that party or disclose some (minimal) information about that proceeding.

Kathryn A.C. Kennedy. Ms. Kennedy represented a mother in a DCF matter. Questions she could be asked might require her to name that party or disclose some (minimal) information about that proceeding.

William Cobb (portions of testimony related to Count 1). Mr. Cobb may need to offer information in response to questioning that could disclose protected juvenile court information in order to fully and fairly defend himself against Count 1.

Robert Sheftman. Mr. Sheftman represented a mother in a subsequent civil matter with factual overlap relating to juvenile court information. Questions he may be asked could require him to

name the party or disclose other information about that proceeding.

2. Documents

The following documents identified with descriptive titles in the Prehearing Exhibit list may include statutorily protected juvenile court information:

DC-1 (redacted copy designated as DC-1a)

DC-2 (redacted copy designated as DC-2a)

DC-3

DC-4

DC-6

DC-7

DC-8

As required by Vermont Rules for Public Access to Court Records, section 9(a)(2), redacted and unredacted copies will be provided to the panel for each item offered into evidence. The proposed redactions for DC-3, 4, 6, 7, and 8 consist of references to the full name of the same third parties (mother, father, juvenile) referenced above. The proposed redactions to DC-1 and DC-2 are more substantial and related to substantive information about the same third parties along with their names.

WHEREFORE, disciplinary counsel respectfully requests that the panel grant the motion and conduct the hearing scheduled for October 15 and November 1, 2021 in such a way to prevent public disclosure of the identified protected information described above.

Dated: October 5, 2021



Sarah Katz

Disciplinary Counsel

CERTIFICATE OF SERVICE

I certify that on October 5, 2021, the following individuals were served with Disciplinary Counsel's Motion for Protective Order for Certain Testimony and Motion to Seal Certain Exhibits by e-mail to counsel at the following address:

William Cobb (Respondent) through counsel Brice Simon: brice.simon@stoweattorneys.com

KH through counsel Larry Myer: lmyer@rkmlaw.com

KL through counsel Robert Sheftman: sheftman@aol.com

AH through counsel Alan Rome: quest@together.net

in accordance with A.O. 9, Rule 18.A, Vermont Rule of Civil Procedure 5 and the provisions of Vermont Rules for Public Access to Court Records, section 9(a)(2)(E).

A handwritten signature in blue ink, appearing to be 'SK' followed by a long horizontal stroke.

Sarah Katz

Disciplinary Counsel