

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY BOARD

In Re: Glenn Robinson, Esq.
PRP File No. 2013- 172

Disciplinary Counsel's Reply to Respondent's Motion to Set Discovery Schedule

Respondent has proposed that the parties' complete discovery by October 20 and be ready for hearing by November 1, 2017. Respondent's "Motion to Set Deadlines and Hearing Readiness Date (Motion) p. 2. Disciplinary Counsel agrees these dates are reasonable under the circumstances. But, to insure these deadlines remain reasonable, Disciplinary Counsel suggests the Panel set a deadline for the parties to disclose the witnesses each intends to call at the merits hearing. Disciplinary Counsel also requests the Panel set a deadline for disclosing exhibits each party intends to introduce at the merits hearing.

Disciplinary counsel proposes September 18 as the deadline for exchange witness lists and the exchange of copies of exhibits. This should enable the parties to schedule and complete depositions by October 15 and file any motions in limine by October 20.

Witnesses - Disciplinary Counsel intends to call following at the merits hearing: (1) Cynthia Mead (complainant); (2) Pamela Binette (complainant); (3) Andrea Poutre (complainant); (4) Detective Lieutenant Lance Burnham of the Vermont State Police and (5) the psychiatrist who is treating Ms. Binette.¹

Disciplinary counsel may also want to call the "brother who is a lawyer" who wrote the contract in which Ms. Binette waives her right to sue Respondent for sexual harassment. Respondent has two brothers who are lawyers. In late June, Disciplinary Counsel asked Respondent to identify the brother who wrote the contract. He has not done so. If Respondent does not identify the brother who wrote the contract by the pre-hearing conference, Disciplinary Counsel will ask the Panel to order him to do so.

Exhibits – With one exception, all exhibits Disciplinary Counsel intends to seek to admit at the merits hearing were provided to Atty. McGee in early May 2017 when Disciplinary Counsel sent him copies of everything Disciplinary Counsel sent to the Probable Cause Review Panel.

The exception is an email "string" (8/7/2012-8/14/2012) between Ms. Binette and the Respondent.²

Depositions - Respondent proposes an October 15, 2017 deadline for completion of depositions. At this point, this deadline seems reasonable.

¹ Disciplinary Counsel did not decide to call this witness until very recently. Ms. Binette has given her consent and indicated that her psychiatrist is willing to testify. I left him a message on September 1. I expect to be able to get permission from the Court Administrator, name the psychiatrist and provide a summary of his proposed expert testimony by September 18.

² All of the proposed exhibits are loaded on my laptop. If agreeable to Atty. McGee, I propose to make an appointment to take my laptop to his office during the week of October 9 at a day and time of his convenience so that he can review what I propose to admit and to discuss anything else I have that he claims he is entitled to.

Respondent has asked to depose two witnesses – Ms. Binette and Lisa Levesque, who is/was complainant Andrea Poutre’s parole officer. Both depositions are scheduled to take place in Respondent’s office in Newport on September 12.

Disciplinary Counsel may want to depose the “out of state witnesses”³ Respondent has referred to once he identifies them and summarizes their proposed testimony. But, so far Disciplinary Counsel only wants to depose one person - the brother who wrote the contract in which Ms. Binette waives her right to sue.

Recordings and Transcripts - Respondent proposes a deadline for Disciplinary Counsel to “produce tapes and transcripts of *any witness interviews*” by September 15.

Disciplinary Counsel objects to this proposal.

So far, Respondent has asked for transcripts and recordings of two witness interviews – the recorded interviews that Detective Burnham did of Andrea Poutre and Pamela Binette⁴ in spring 2013.

Disciplinary Counsel has provided a link to the recording of the Poutre interview to Respondent; but has refused to have the State pay for a transcript. Disciplinary counsel provided a link to the Binette interview in May and a copy of the transcript (paid for the Court Administrator) in late June. Disciplinary Counsel paid for the Binette transcript because the transcript might be necessary to “refresh recollection” at the merits hearing⁵.

Disciplinary Counsel cannot produce recordings or transcripts of “any witness interviews” until Respondent identifies the “witnesses” he is referring to.⁶

“Document” Production - Disciplinary counsel has not asked Respondent to produce any documents and is not aware of any documents that Respondent has asked to produce aside from the “transcripts” discussed above.

Dated at Burlington, Vermont on September 1, 2017.

Robert V. Simpson, Jr.
Disciplinary Counsel

³ I do not object to testimony by Skype.

⁴ Detective Burnham did not record his interview with Respondent.

⁵ I intend to rely on Ms. Poutre’s deposition for the merits hearing. (Ms. Binette was not deposed.)

⁶ I began working on this case in late March 2017 after another Panel rejected a settlement Respondent had reached with prior Disciplinary Counsel. Respondent has been on the case since summer 2013. He has a much better knowledge of what prior Disciplinary Counsel did than I do.

I work out of my home and only took the files that I thought I would need from the Burlington Office of Disciplinary Counsel. Maybe Atty. McGee and I can go through the files in the Burlington office together.

