

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY BOARD

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

Disciplinary Counsel's Motion in Limine to Admit Three Emails

Disciplinary counsel intends to admit three emails into evidence. All three emails would be admitted through Pamela Binette.

The first email (DC-3) is an "email chain" containing emails written during the period from August 7, 2012 through August 15, 2012. Ms. Binette was working in Respondent's law office during this period.

The next two emails (DC24-25) were written on February 14, 2013 and April 26, 2013, respectively. This was after Ms. Binette stopped working for Respondent- but before she made her complaint to Detective Lance Burnham of the Vermont State Police.

Disciplinary Counsel asks that these emails be admitted for the reasons set out below.

1. "Email Chain" (DC-3)

Disciplinary Counsel filed a motion in limine to admit DC-3 on November 10, 2017. There is no longer any reasonable basis for objecting to the admissibility of this email chain. At the time I filed the November 10, 2017 motion, Ms. Binette was not going to be a witness at the Merits Hearing. Now, she will testify and be subject to cross-examination. To the extent there is still an objection, Disciplinary Counsel relies on the arguments in the November 10, 2017 motion (attached).

2. Email to Elizabeth Wilkel (DC-24) and Attorney Lauren Kolitch (DC-25)¹

Pamela Binette sent emails to Ms. Wilkel (DC-24) and Atty. Kolitch (DC-25) on February 14, 2013 and April 26, 2013. Again, this is after Ms. Binette stopped working for Respondent- but before she made her complaint to VSP Detective Burnham. DC-24 and DC 25 are attached.

Ms. Wilkel's testimony and the statements by Ms. Binette in the email (DC24) and (DC25) are relevant because they tend to show Respondent sexually harassed her.

For instance, DC 24 is relevant because it tends to show Respondent sexually harassed Ms. Binette while she worked for him. Example - Ms. Binette says in DC24 that "... during an I. C. with a new client (Respondent) wouldn't stop throwing those stupid gold paperclips down my shirt") (emphasis added)

In DC-25, Ms. Binette says: "I need help. My boss is an attorney and he has been sexually devastating me and my life to the point where I hardly feel alive anymore and I am VERY INCREDIBLY AFRAID of his statements and I guess they are threats. Maybe you can help."

These emails are admissible because they tend to rebut the claim that Ms. Binette fabricated the charge that Respondent sexually harassed her during the period she worked in his law office – January

¹ Disciplinary Counsel did not learn of these emails until October 2017, when Detective Burnham produced them at his deposition in response to Respondent's subpoena duces tecum.

2012 through January 2013. The argument for admissibility of the statements in these emails is set out in detail in Disciplinary Counsel's "Motion to Admit Statements Made by Pamela Binette in Medical Records" (Motion to Admit Statements) which is being filed at the same time this motion is being filed.

Disciplinary counsel relies on the arguments in the Motion to Admit Statements to support the claim that the statements to Ms. Wilkel and Atty. Kolitch are admissible. But, the gist of these arguments as they apply here is:

Ms. Binette will testify, and be subject to cross-examination at the Merits Hearing that she did not lie to "state police." Her testimony on January 2, 2018 will not only be consistent with what she told VSP Detective Burnham when she made her complaint to him on May 9, 2013; but, it will also be consistent with² statements in emails she sent to Ms. Wilkel and Atty. Kolitch prior to the time Ms. Binette made her complaint to "state police" in May 2013.

Ms. Wilkel will testify by telephone. Her testimony will authenticate the email (DC 24) sent to her and the email (DC-25) sent to Atty. Kolitch on Ms. Wilkel's advice. It will also confirm that Ms. Binette told her in February 2013 that Respondent had sexually harassed her during the period Ms. Binette worked for Respondent.

Dated at Burlington Vermont on December 14, 2017

Robert V. Simpson, Jr.
Disciplinary Counsel

² VRE 801

(d) Statements Which Are Not Hearsay. A statement is not hearsay if--

(1) *Prior Statement by Witness.* The declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement, and the statement is . . . (B) consistent with his testimony and is offered to rebut an express or implied charge against him of recent fabrication or improper influence or motive . . .