

STATE OF VERMONT  
PROFESSIONAL RESPONSIBILITY BOARD

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

Disciplinary Counsel's Motion to Admit Statements Pamela Binette Made to Dr. Kaufman in April 2012

Disciplinary Counsel learned, in speaking to Pamela Binette's psychiatrist, Dr. Elliot Kaufman, on November 7, 2012, that he had a record of a visit Ms. Binette and her mother made to Dr. Kaufman during the period Ms. Binette was working for Respondent. Dr. Kaufman will testify that his record from the April 2012 visit indicates that Pamela Binette complained that her boss was making unwelcomed sexual advances toward her.

This evidence is admissible under VRE 803 (4):

(4) Statements for Purposes of Medical Diagnosis or Treatment. Statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations.

This evidence is also admissible under 3 VSA § 810 - "Rules of Evidence" of the "Vermont Administrative Procedures Act":

"In contested cases:

(1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The Rules of Evidence as applied in civil cases in the Superior Courts of this State shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form." (emphasis added)

Dated at Burlington, Vermont on November 10, 2017

Robert V. Simpson, Jr.  
Disciplinary Counsel