

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY BOARD

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

Disciplinary Counsel's Notice of Intent to Call Pamela Binette as a Witness

Disciplinary counsel will call Pamela Binette as a witness in his case on September 14, 2017. This will give her the opportunity testify after her parents testify so that she will have their support and be able to get a ride home to Beebe Plain.

Ms. Binette made her complaint to Detective Lance Burnham of the Vermont State Police in early May 2013. She has been waiting over four years to testify in this proceeding. She was prepared to testify at the deposition Respondent noticed for September 12, 2017 and at the merits hearing until she was prevented from doing so through no fault of her own.

As the Panel knows, Disciplinary Counsel told the Panel and Atty. McGee on September 13, 2017 that I would not call Ms. Binette as a witness at the merits hearing. This was because of Dr. Elliott Kaufman's opinion¹ that if Ms. Binette testified in this matter, it would create an unreasonable risk to her health.

This, in turn, came after Respondent, knowing Ms. Binette's mental health was fragile, ignored her requests that Respondent and his agents not contact her and sent an investigator to her home to interview her on August 30, 2017 under the pretext that she was being served with a subpoena to attend a deposition at the office at 100 Main Street in Newport. This is the office where Ms. Binette has alleged that she was sexually harassed by Respondent. It is also an office that his step-father confirmed at deposition that Respondent has not occupied since 2014.²

Ms. Binette has asked on two occasions since then to testify at the merits hearing. Disciplinary Counsel said "no" because (1) Dr. Kaufman had said it would be harmful to her and (2) because I had told Atty. McGee and the Panel that I would not call her as a witness.

This changed at the October 6, 2017 Pre-Hearing Conference. The Panel will recall that Atty. McGee announced, without any evident concern for Ms. Binette's health, that he would subpoena her to testify as his own witness. However, he indicated in a pleading filed today (November 10) that he might choose not to call Ms. Binette. That decision is no longer Respondent's decision to make. It is Ms. Binette's decision to make.

Now that Dr. Kaufman has found that Ms. Binette is competent to testify and Respondent has "opened the door" by forcing the issue and subpoenaing Ms. Binette, she should be allowed to testify at the hearing which will decide the merits of the complaint she made to Detective Burnham four years ago.

¹ Dr. Kaufman's opinion is set out in a September 9, 2017 letter which is attached.

² The circumstances of the interview are discussed, and documented, in Disciplinary Counsel's October 23, 2017 reply to Respondent's Motion in Limine to prevent Ms. Binette's parents from testifying in this proceeding (pp. 7-8).

Under the circumstances, it would be unfair to Ms. Binette and her family to leave it to Respondent to decide whether she testifies.

The Vermont Supreme Court has said that the purpose of Vermont's attorney disciplinary process is to (1) protect the public from misconduct; (2) maintain public confidence in the integrity of the legal profession and (3) maintain public confidence in Vermont's "legal institutions." *In Re Wysolmerski*, 702 A2d 73, 75 (Vt. 1997)

Permitting Ms. Binette to make the decision on whether she testifies serves each of these purposes.

Dated at Burlington, Vermont on November 10, 2017

Robert V. Simpson, Jr.
Disciplinary Counsel