

STATE OF VERMONT  
PROFESSIONAL RESPONSIBILITY BOARD

IN RE: GLENN ROBINSON  
PRP FILE NO. 2013-172

Deposition of M. Jerome Diamond  
October 2, 2017  
Montpelier, Vermont

A P P E A R A N C E S

For the Professional Responsibility Board

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between Counsel as follows:

1. That the requirements of notice of the taking of the deposition have been complied with;
2. That the proof of the qualifications of the Notary Public be waived;
3. That all objections, except as to the form of the question, shall be reserved until the time of trial.

1 (Beginning at 1:35 p.m.)

2 M. JEROME DIAMOND,

3 Having been duly sworn, testified  
4 as follows:

5 EXAMINATION

6 BY MR. SIMPSON:

7 Q. I'll just go through your background a little  
8 bit and then get into the -- graduated from law school in  
9 1968?

10 A. Yes.

11 Q. I got this from online. Clerked for Judge  
12 Gibson 1968 to '69?

13 A. Yes.

14 Q. Okay. Windham County State's Attorney 1970 to  
15 '75?

16 A. Yes.

17 Q. Vermont Attorney General 1975 to 1981?

18 A. Yes.

19 Q. Member of Vermont Advisory Group U.S.  
20 Commission on Civil Rights 1985 to 2009?

21 A. Yes.

22 Q. Director of Vermont Bar Foundation 1997 to  
23 2007?

24 A. Yes.

25 Q. Trustee of Vermont Law School 1994 to 2012?

1 A. Yes.

2 Q. You practiced law for roughly 50 years, maybe  
3 a little under?

4 A. Yeah.

5 Q. Okay.

6 MR. MCGEE: Getting there.

7 A. Hope to get it right very soon so I can  
8 retire.

9 Q. Glenn Robinson, the respondent in this matter,  
10 is your son?

11 A. Stepson, yes.

12 Q. Stepson. Okay, and he's approximately -- born  
13 1962 January. Approximately 55 years old?

14 A. Yes.

15 Q. Now there's three complainants in this matter;  
16 Cynthia Mead, Andrea Poutre, and Pamela Binette. So what  
17 I'll do is ask you about each one.

18 A. Okay.

19 Q. And I'll do it in the order that I brought the  
20 charges. Okay?

21 A. Okay.

22 Q. Do you know Cynthia Mead?

23 A. I do.

24 Q. So the time that I'm focusing on with Cynthia  
25 Mead is late 2010 through middle of 2012. Your son -- my

1 recollection from reviewing the depositions is that that's  
2 a time that your son was representing her in a divorce  
3 matter?

4 A. I believe that is correct.

5 Q. Now you knew Miss Mead and your son were  
6 friendly?

7 A. Yes.

8 Q. Okay. There's testimony in at least her  
9 deposition that they went to -- your son and Miss Mead  
10 went to family gatherings?

11 A. Did.

12 Q. Do you recall -- I mean it's a long time ago.  
13 Do you have an idea was it a lot or just one or two or --  
14 I'm talking about family gatherings.

15 A. It was more than one or two.

16 Q. Monthly?

17 A. Not monthly for that entire period. No.  
18 There were a couple of brunches that we -- that they came  
19 down for. Maybe more than two, and there was a holiday.  
20 I think a Thanksgiving celebration, but I can't tell you  
21 which year.

22 Q. Understandable.

23 A. I know it was --

24 Q. Well it couldn't have been 2012?

25 A. Well she wasn't divorced until 2012 and I saw

1 her at my wife's birthday party in Newport in June of  
2 2012.

3 Q. Yeah. What I meant was it couldn't have been  
4 Thanksgiving of 2012 because I think they were on the outs  
5 then?

6 A. That's right.

7 Q. In any event that's not particularly  
8 important. Did you know that your son was engaged in a  
9 sexual relationship -- consensual sexual relationship with  
10 Miss Mead?

11 A. Only from discussion.

12 Q. Okay. She testified in a deposition that you  
13 were -- at some point he was talking to you on the phone  
14 about the -- a rule or non-rule as far as having divorce  
15 clients sleeping with their lawyers. Do you remember  
16 that?

17 A. I remember having the discussion before they  
18 started to see each other. When Glenn had indicated he  
19 and Cindy wanted to see each other I cautioned him that I  
20 thought the rule was a per se rule that you didn't, and I  
21 think he then got back to me some time later that he had  
22 researched it, that the rule had changed, it was no longer  
23 a per se prohibition.

24 Q. And that's exactly what I recall from the  
25 deposition. So okay. Did you give him any particular

1 advice? I did not check -- I checked with your son Josh's  
2 specialties, but I didn't check with yours. Do you do a  
3 lot of family law?

4 A. I did. I did.

5 Q. Did you give your son -- and when I say your  
6 son I'm referring to Glenn.

7 A. Okay.

8 Q. Did you give him any advice on how to handle  
9 divorce cases?

10 A. We tried divorce cases together before he was  
11 in practice by himself. So that would have been up  
12 through I think March of 2005.

13 Q. Okay. Now when you say that would have been  
14 is that when he went into practice by himself?

15 A. That's right. That's right. He was no longer  
16 affiliated with Diamond & Robinson at that point, and I  
17 believe the last case we tried together was a divorce case  
18 and it was like in February of 2005. So the answer to  
19 your question is yes we would have -- during that period  
20 would have strategized about cases. We tried cases  
21 together.

22 Q. Because you were the senior person he could  
23 have learned by example as well?

24 A. All I know is I was about the only person in  
25 the firm who did family law at that time. Josh did it

1 later, but I think back in those early years there was  
2 nobody else but Glenn and myself.

3 Q. Okay. So I don't have any other questions  
4 regarding Miss Mead unless you think there's something I  
5 don't understand that I should clarify.

6 A. I --

7 Q. Okay. Now I'm learning this as I go along  
8 about the Newport office. The period we're going to be  
9 focusing on is roughly 15 months. That's going to be from  
10 January 2012 through March 8, 2013 when Miss Poutre was  
11 arrested or cited for embezzlement.

12 A. Okay.

13 Q. I'm asking this because I think I know it, but  
14 you had your own office in your son's office at that time?

15 A. No.

16 Q. Okay. Was there a time that you did have your  
17 own office in your son Glenn's office in Newport?

18 A. Well yes. When Diamond & Robinson in a sense  
19 leased that office Glenn was an employee of ours. I had  
20 an office there. That was until, as I said, March 2005.  
21 The only other time that I have had an office in space  
22 that Glenn occupied as well is the current period which  
23 was probably this December will be two years.

24 Q. Okay. December 2015, '16?

25 A. '17.



1 Q. Got it. All right.

2 A. And that is an office that does not belong to  
3 Diamond & Robinson. I practice there under the law office  
4 M. Jerome Diamond, Esquire LLC.

5 Q. Okay. Now where is that office?

6 A. 328 Main Street in Newport.

7 Q. All right, and up until -- this is what I'm  
8 trying to get straight. So I'm going to repeat it and  
9 make sure I got it right. From like March 2005 until  
10 December or so 2015 you did not have an office with your  
11 son?

12 A. That's correct.

13 Q. Okay. At some point in -- I've been checking  
14 through the Bar book. At some point through 2013 or 2014  
15 your son moved his office from 100 Main Street, Suite 100,  
16 to 328 the office that you occupied?

17 A. That I rent an office in. Yes.

18 Q. Okay. You saw -- I showed you before I'm  
19 trying to get -- is your son Glenn still practicing law?

20 A. Oh yeah.

21 Q. Where is he practicing?

22 A. 328 Main Street.

23 Q. Okay. That's what I thought, but I saw this  
24 yesterday when I was trying to get the location straight  
25 and I'm showing you what's been marked exhibit X.

1 A. Yes.

2 Q. And no other people have it, but Google says  
3 -- at least if I read it correctly, says it's permanently  
4 closed that office?

5 A. Well that would be true both as to the name on  
6 it and the location -- no. This says 328.

7 Q. Yeah.

8 A. The only thing permanently closed on that is  
9 the name Robinson and Associates. That hasn't existed for  
10 years.

11 Q. How many years?

12 A. A long time. I don't know how many years, but  
13 I think that at some point in time shortly after he  
14 started with that name when he first went out on his own  
15 --

16 Q. Can I just try to put in some dates and you  
17 can correct me? So would that have been in -- some time  
18 in 2005 when he started with that name?

19 A. I think so.

20 Q. This would have been after?

21 A. That's right.

22 Q. Okay.

23 A. And some time after that started I think the  
24 question came up, not from the professional, but somebody  
25 asked him whether it was one of us or, you know, if you

1 say and associates what does --

2 Q. Associates.

3 A. That's right, and does that mean other  
4 lawyers? Does it mean paralegals? So he said I don't  
5 want to get into that. I don't want any problem. I'm  
6 just changing the name and he changed it to Glenn Robinson  
7 PC, and so it's accurate to say Robinson and Associates is  
8 permanently closed. It's been permanently closed for a  
9 long time, but the address is not -- it's just a mistake.

10 Q. 328 is going strong?

11 A. It is.

12 Q. And how long has he been there?

13 A. I think four years. I think he moved in  
14 February of '13 or '14. One or the other.

15 Q. None of the other things online had it as  
16 closed. So I was just --

17 A. Right. No it's not. It's very actively  
18 practicing.

19 Q. Okay. Did you have any cases in Orleans  
20 County, and this may be difficult for you to remember, but  
21 from the time you left his office I would say in March  
22 2005 until you came back up here were you practicing in  
23 Orleans County or Caledonia County?

24 A. Yeah I was.

25 Q. Fairly regularly?

1           A.       It trailed off because I picked up a different  
2 kind of practice.

3           Q.       Okay. What was --

4           A.       So I gave up an active litigation practice and  
5 developed a more active you would probably call it  
6 lobbying practice, but it involved representing  
7 corporations and trade associations with regard to State  
8 Attorneys General around the country. So I began to  
9 travel extensively with regard to those clients, and was  
10 really out of state eventually 80 to 100 days a year and  
11 really did not have time to try to put a litigation  
12 schedule together with that kind of practice, and so the  
13 litigation just --

14          Q.       Tailed off. Could you say when -- again I  
15 know it's not the easiest thing in the world, but roughly  
16 we have the date 2005. We have the date we're focusing on  
17 here which is the period from January 2012 to March 2013.  
18 Can you say whether you were engaged in active litigation  
19 practice during -- from 2012, 2013?

20          A.       I don't believe so.

21          Q.       Okay. Was it most -- you were already  
22 starting with -- I think you referred to part of what you  
23 did from what I read online was strategic planning for  
24 your law firm and then also helping Attorneys General  
25 throughout the --

1           A.       Didn't help Attorneys General. I was not  
2       representing State Attorneys General. I was representing  
3       private clients.

4           Q.       Oh before --

5           A.       -- who had either a desire to develop  
6       relationships with State Attorneys General or in fact had  
7       investigations being conducted by State Attorney General  
8       offices and needed some kind of representation.

9           Q.       I did misunderstand that. Okay. So lobbying?

10          A.       That's the easiest way to describe it.

11          Q.       Okay. So would you say you were out of the --  
12       out of the state 80 to 100 days a year during that period  
13       2012 to 2013?

14          A.       Yes.

15          Q.       Okay. I haven't done this -- I never did it  
16       much and I haven't done this in 10 years so I'm just  
17       checking off.

18          A.       I'm with you.

19          Q.       Can you say how often you visited, if at all,  
20       your son's office during the period -- I mean it's going  
21       to be an estimate I know, but during that period from 2012  
22       to 2013 -- through March 2013?

23          A.       A few times a year and it was primarily  
24       involving the economics of law practice.

25          Q.       Okay.

1           A.       The recession hit Newport and the Northeast  
2 Kingdom very, very hard. I mean there were lawyers -- a  
3 number of lawyers that went out of practice as a result.  
4 It was a terrible time for lawyers all over the country.  
5 Big firms went under, but for Vermont it was tough and  
6 particularly in the Northeast Kingdom, and I tried to give  
7 Glenn the benefit of analysis of the finances of how he  
8 was doing, what he needed to do, things of that nature,  
9 and quite frankly that's what brought me up to his office  
10 in February of '13 at the time I had lunch with Andrea  
11 Poutre.

12           Q.       I was going to get to that --

13           A.       I figured you were.

14           Q.       -- but I want to go by the numbers. So during  
15 2012 is it fair to say that when you visited it was --  
16 most likely it was to help him with the financials?

17           A.       Right.

18           Q.       Was he struggling financially?

19           A.       Yeah.

20           Q.       That's consistent with the testimony I read.

21           A.       Right.

22           Q.       Okay, and did you arrange for him to have --

23 and I don't remember the lady's name but she's Rick  
24 Davis's wife, did you arrange for her to come up and help  
25 with the bookkeeping?

1           A.       Well she did all the bookkeeping for Diamond &  
2 Robinson.

3           Q.       Okay.

4           A.       So she did it involving the Newport office  
5 while it was part of Diamond & Robinson, and then after he  
6 went out on his own he made independent arrangements with  
7 her.

8           Q.       Okay.

9           A.       And she -- and it was logical because she knew  
10 the office backward and forward anyway.

11          Q.       So this wasn't a situation where you said you  
12 need help, this woman can do it. He had already been  
13 working with her?

14          A.       For five years.

15          Q.       Bear with me. I just want to try to get an  
16 estimate of how many times you visited during 2012. I  
17 know you visited in February 2013 but --

18          A.       My guess is three to four times plus Glenn  
19 traveled with me on occasion. So I mean -- beside family  
20 -- so we had a chance to talk both on trips as well as my  
21 visits to his office.

22          Q.       Well there's a reference -- there's a couple  
23 references from the complainants that you and your son had  
24 gone out west on a trip on a couple of occasions?

25          A.       Actually I think four times out west.

1 Q. Okay. So the next complaint I'm coming up to  
2 is Pamela Binette, okay, and the time I'm going to be  
3 referring to she worked there from January 2012 through  
4 January 2013. So do you have that time in mind generally  
5 what you were doing? Okay. Did you observe the  
6 interaction between your son and Ms. Binette? I know you  
7 must have. First of all, did you ever meet her?

8 A. No.

9 Q. Never met Ms. Binette?

10 A. No. Talked to her on the phone.

11 Q. Okay.

12 A. Talked to her on the phone, but she was never  
13 there when I visited and we were supposed to meet once at  
14 her parents' house for a barbecue, my wife and I, and she  
15 never showed and the barbecue never took place.

16 Q. Okay. That was up in Beebe Plain?

17 A. Yes.

18 Q. Okay. So were you aware that they were  
19 engaged in a romantic relationship not from your own  
20 observations I guess?

21 A. Right.

22 Q. But from what you were told?

23 A. Yes.

24 Q. And who told you about the romantic  
25 relationship?



1 A. Glenn.

2 Q. Okay. Did Miss Binette tell you anything  
3 about the romantic relationship?

4 A. Never talked to her about that.

5 Q. I wasn't trying to trick you.

6 A. No. The only time I ever talked to her was  
7 when she picked up the phone and answered it.

8 Q. Okay. I'm going to show you -- first I'm  
9 going to show you what's been marked A-1, and this came up  
10 in the deposition that concerned Josh this morning, with  
11 Josh. Have you ever seen that?

12 A. I have not actually. When you showed it --  
13 when it was sitting on the table beforehand.

14 Q. I meant for you to look at it. Other than  
15 looking at it --

16 A. Well okay. That's different than this one.

17 Q. Yes and he testified --

18 A. Okay. I have never seen this which is A-1.

19 Q. Yes.

20 A. And I've never seen what's marked as exhibit  
21 H.

22 Q. That's a different document?

23 A. That's a different document. Okay.

24 Q. Let me explain where I'm going with this.

25 A. Okay.

1 Q. All right. Why don't I show you exhibit S. I  
2 gave you a chance to look that over beforehand.

3 A. These are emails between Pam and Glenn. Never  
4 seen them before.

5 Q. Okay. So I'll just identify it for the record  
6 so we'll have it as e-mail dated August 7, 2012 from Miss  
7 Binette to your son Glenn. She cc'd Diane Binette. Is  
8 that her --

9 A. Mother.

10 Q. Okay. Do you recall your son's e-mail address  
11 at the time? Is this your son's e-mail address  
12 garrobinsonesquire.com?

13 A. Yes and the second page of that exhibit is  
14 further emails between them. So I'm assuming Glenn got it  
15 because he responded.

16 Q. Yes. Just in terms of authenticating it.

17 A. Yes.

18 Q. All right. I would like you to look please at  
19 exhibit S, the second page the bottom, and I'll show it to  
20 you. Don't worry. Do you have a copy there?

21 A. Actually I do.

22 Q. Okay. So if you would look please the last  
23 passage which is actually in response to what Miss Binette  
24 had sent your son, your son is responding; is that right?

25 A. Yes.

1           Q.       And he says -- if you look at the third line  
2 there first full sentence -- if you do not want to sign  
3 the papers we drafted with Josh, that's fine. Were you  
4 aware that your son Josh had helped your son Glenn by  
5 drafting a -- it was just a fragment of what eventually  
6 came out? Were you aware of that?

7           A.       I was.

8           Q.       Okay. Were you aware at that time or just  
9 since?

10          A.       No. No. I was aware at that time just that  
11 Glenn was going to contact him or Josh was going to  
12 contact Glenn. I wasn't sure which. That all came about  
13 out of the trip that we took to Colorado in May of 2012.

14          Q.       Okay, and if you could please go in as much  
15 detail as possible from that time up until eventually we  
16 have a contract being signed.

17          A.       Glenn told me on that trip about a couple of  
18 incidences that had occurred at work with Pam.

19          Q.       Okay.

20          A.       Some comments Pam had made.

21          Q.       Could you say what those comments are please  
22 or were?

23          A.       One of them had to do with the shredding  
24 machine and sometimes it made weird noises and Glenn said  
25 to her sometimes the shredder gets excited and she said to

1 him well that's not the only thing that gets excited  
2 around here. Then there was another comment something  
3 having to do with hip huggers that he was wearing, hip  
4 hugging jeans, that I guess she was able to see something  
5 and made a comment about it, and both of the comments  
6 according to Glenn were very early in her working, and he  
7 said that over time it just looked like they wanted to  
8 have more of a relationship with each other, and that's  
9 what he shared with me that he really -- and I said to him  
10 -- I said well, you know, if you're going to date an  
11 employee you really ought to have or you ought to consider  
12 having something in writing that acknowledges that it was  
13 voluntary at the time and it was not, you know, imposed  
14 or, you know, the result of some kind of undue influence,  
15 and he agreed. He said that would probably be a good  
16 idea, and I said and your brother Josh does a lot of  
17 employment law and you might want to give him a call to  
18 see where you might go to, and when I got back from that  
19 trip --

20 Q. When would this have been roughly?

21 A. May of 2012.

22 Q. At the end or the beginning? That may be hard  
23 to --

24 A. I'm going to say mid and the reason I say that  
25 is because it was about a month before Mead's trial.

1 Q. Okay. That was in June?

2 A. That was in June of '12. So when I got back  
3 from that trip -- you know you're talking maybe four or  
4 five days including travel. When I got back I happened to  
5 stop by Josh's office and I said to him -- explained and I  
6 said to him you may be hearing from Glenn pretty soon or  
7 you may want to give him a call. That's all I said.  
8 That's all I knew. I never saw the agreement. Never knew  
9 when it was completed. Never knew when it was sent or not  
10 sent. All I know is that they communicated. One or the  
11 other called each other.

12 Q. Okay.

13 A. And they ended up -- Josh ended up sending  
14 something to him.

15 Q. Okay, and the testimony this morning was from  
16 Josh that this was -- I'm referring to A-1 here.

17 A. Okay.

18 Q. And you said -- you testified before you  
19 didn't know anything about it?

20 A. Never seen that before.

21 Q. Okay, and you also testified with respect to  
22 -- I know you will stop me if I got it wrong, but you  
23 testified with respect to exhibit S and the reference I  
24 read to you about if you don't want to sign the papers we  
25 drafted with Josh, that's fine; you didn't know anything

1 about that either?

2 A. No.

3 Q. Okay. The first page of exhibit S, the e-mail  
4 from -- you got it there?

5 A. I do.

6 Q. If you look at the fourth line beginning --  
7 there's a reference to the Vermont statutes as amended and  
8 Fair Employee Act and then I do not feel respected as an  
9 employee, individual, or human being due to your behavior  
10 -- your recent behavior and comments. Were you aware of  
11 this e-mail?

12 A. No. No.

13 Q. Okay. Were you aware of any complaint that  
14 Miss Binette may have made against your son? I know you  
15 are now, but I mean at that time?

16 A. No. Not at all.

17 Q. And the time being from while she was working  
18 for him?

19 A. Right. She worked for the year of 2012.

20 Q. January. Through January 13th of 2013?

21 A. Yes.

22 Q. Okay. So during that period you were not  
23 aware of any complaints she had made?

24 A. No.

25 Q. Okay. Now I'm going to show you exhibit H.

1 Are you familiar with that document?

2 A. Not before today.

3 Q. You have never seen it before?

4 A. No. Never seen it before.

5 Q. So to the extent this is an authentic document  
6 you couldn't authenticate it?

7 A. I couldn't. No.

8 Q. Assuming it is authentic it was between Miss  
9 Binette and your son Glenn. We heard this morning that  
10 Josh had no part in it other than this A-1 which is the  
11 first three paragraphs and you had none whatsoever?

12 A. I was never consulted, never saw it.

13 Q. Didn't come to pick it up or anything?

14 A. I have never seen it before today.

15 Q. Well that's also going to cut through some  
16 questions. Let me just -- I'm going to have to check  
17 things off. Make sure -- okay. Is this fair to say that  
18 from the time you got back from the trip and suggested to  
19 Josh that he either get in touch with Glenn or Glenn might  
20 be contacting him about a -- you can borrow with my  
21 phrasing, but something that would protect Glenn in the  
22 event that he and Miss Binette started having a  
23 relationship?

24 MR. McGEE: Object to the form.

25 A. I don't think Glenn ever saw it quite frankly

1 as a protection of him.

2 Q. I thought you did from what you were saying?

3 A. What I wanted was an acknowledgment that it  
4 was voluntary. Now that may in fact protect Glenn and --  
5 but that's what my purpose was, but the acknowledgment  
6 that it was a voluntary relationship and that's --

7 Q. Which could have the effect of protecting him  
8 since he was the boss and she was --

9 A. That's right. That's true.

10 Q. Okay. Is there any way that would protect  
11 her, that is Miss Binette, this contract?

12 A. Oh my understanding, not having seen it, but  
13 my understanding is that Miss Binette wanted it changed.  
14 After she had reviewed it she wanted it changed to protect  
15 her so that she wouldn't be fired.

16 Q. Where do you get that understanding?

17 A. From discussing it with Glenn.

18 Q. Okay. So at some point you discussed this  
19 with him? That is the exhibit H.

20 A. Well I never saw it so I didn't know what it  
21 said.

22 Q. What did you use as a basis for discussion?

23 A. His remark that he didn't see it as a  
24 protection for him, and I said what do you mean. He says  
25 well, you know, she took a long time in considering it and



1 then came back and said she wanted something put in it and  
2 she wanted to put in to protect her against being fired  
3 for coming in late in the mornings which she evidently had  
4 a habit of doing, and so it was amended according to Glenn  
5 to reflect what she wanted. Glenn never considered it a  
6 protection because I think at least from his standpoint  
7 Josh had told him you may have it, it acknowledges it in  
8 terms of voluntary, but in terms of real protection from  
9 lawsuits I wouldn't count on it.

10 Q. And that's what your son Glenn told you that  
11 Josh had told him?

12 A. That's right.

13 Q. And did he have context for that? Was that at  
14 the time that Josh spoke to him about it or was it some  
15 time later?

16 A. No. It was within the context of when Josh  
17 did the draft.

18 Q. Which we have testimony this morning A-1?

19 A. Yes. Right.

20 Q. And to put it in context better that was  
21 referred to -- that document was referred to in S which  
22 was dated August 7th?

23 A. Right. Yes.

24 Q. I have to ask this as an essential element.  
25 You were aware that Miss Binette was not an attorney?

1 A. Yes.

2 Q. Okay, and to your knowledge she was not  
3 represented by an attorney?

4 A. I have no way of knowing that. Glenn  
5 indicates that he told her, you know, take it, get it  
6 reviewed by another attorney, and she indicated she didn't  
7 want to, but she had it over a period of time. So I have  
8 no idea whether she did or she didn't.

9 Q. Did he tell you over what period of time she  
10 had it? That is your son Glenn.

11 A. Either weeks or months and I'm not sure which  
12 quite frankly.

13 Q. Was it several weeks or several months?

14 A. Several weeks or a couple of months.

15 Q. No. You have never seen this document before?

16 A. I have never seen either one of them.

17 Q. So you don't know what she was reviewing?

18 A. No, that's right, I don't.

19 Q. Okay.

20 A. But since he indicates she wanted it changed,  
21 it would seem to me logically it might have been the first  
22 document.

23 Q. A-1?

24 A. Right.

25 Q. So there were seven weeks between A-1 and the

1 signature on exhibit H which is -- was signed by your son?

2 MR. McGEE: Object to the form. Where  
3 do you get that from?

4 A. Where is the seven weeks from? That may be  
5 true. I just didn't see it.

6 Q. We talked earlier this is August 7.

7 MR. McGEE: This is late May.

8 MR. SIMPSON: No.

9 MR. McGEE: This is August 7.

10 MR. SIMPSON: They are referring to --  
11 okay. My mistake. I don't blame you for being --  
12 here's where I'm going with this. Okay. We have A-1  
13 which you talked to your son about -- your son Josh  
14 about. You may want to call or get -- you may get a  
15 call from Glenn.

16 A. Right.

17 Q. Because he wants to start dating his legal  
18 assistant or secretary, and you did that shortly after you  
19 came back from your trip?

20 A. May.

21 Q. Mid May?

22 A. That's my recollection mid May.

23 Q. And then this, which I'm referring to as S, is  
24 dated August 7?

25 A. Okay.

1           Q.       And it refers to on page 2 the document we  
2       drafted with -- we drafted with Josh. Okay. So where I  
3       was going was, and I can see why it wasn't clear, but  
4       where I was going for was at least seven weeks August 7  
5       through September 28 when H was signed that she could have  
6       been considering it?

7           A.       Right.

8           Q.       Okay.

9           A.       That's correct.

10          Q.       Okay, and you have no idea other than from  
11       what your son Glenn told you as to what went on in those  
12       seven weeks?

13          A.       True.

14          Q.       No idea whether she consulted an attorney?

15          A.       Don't.

16          Q.       You know she was not an attorney? Yes?

17          A.       Yes. That certainly would have been plenty of  
18       time to have considered having it reviewed by a lawyer.

19          Q.       And your testimony is your son said you should  
20       get it reviewed -- your son Glenn said you should get it  
21       reviewed by a lawyer?

22          A.       Yes. It should be reviewed if you want to  
23       have it reviewed.

24          Q.       Okay, and it's your testimony that your son  
25       told you that she didn't want to have it reviewed by a

1 lawyer or do you know?

2 A. I don't know.

3 Q. Okay. Did your son Glenn ever talk to you  
4 about legal skills or work skills of Miss Binette?

5 A. He said she was good.

6 Q. Okay.

7 A. She was bright. She was really solicited by  
8 his outgoing secretary for the job. It was not Glenn's  
9 choice. I mean he wasn't thinking of her as a  
10 replacement, but Kelsey Dauphin who had worked for him for  
11 a couple of years knew her. She had done some research on  
12 a project I believe that Glenn had helped her with having  
13 to do with the Border Patrol and something like that, and  
14 Kelsey just thought she was very, very bright, and she  
15 said something -- when she wasn't going to be there she  
16 said something to Glenn about you might consider Pam  
17 Binette, and I think Glenn said nothing but that, you  
18 know, she did good work. She began to develop a problem  
19 with coming in, in the mornings particularly. She claimed  
20 it was an agoraphobia or something, fear of being with  
21 people, and that made it difficult for her to sometimes  
22 get going in the morning, and -- but as to the quality of  
23 her work that was not an issue that I was ever told.

24 Q. So he never said to you she has no legal  
25 skills?

1 A. No.

2 Q. Clearly he didn't say that?

3 A. No.

4 Q. What about the -- did he talk at all about  
5 this agoraphobia with you?

6 A. He mentioned it.

7 Q. What did he say?

8 A. He said it was, according to Pam, a condition  
9 that made it difficult for her sometimes to face people,  
10 to see people, particularly in the mornings to get going  
11 in the day, and so that was an occasional problem that I  
12 think got worse and developed.

13 Q. Could you tell me as much as you can remember  
14 about what your son told you about this condition?

15 A. I think --

16 Q. That's it?

17 A. That's it.

18 Q. Okay, and you told me as best you can remember  
19 what your son told you about Ms. Binette's legal skills?

20 A. She was not a trained paralegal or anything,  
21 but she had good ability and picked things up quickly.

22 Q. Just checking boxes here. You weren't aware,  
23 were you, that she was undergoing treatment by a  
24 psychiatrist?

25 A. No.

1 Q. To your knowledge was your son aware of it?

2 A. No.

3 Q. Okay.

4 A. But I bet you she didn't tell the psychiatrist  
5 some of the things that she did with Glenn because it's  
6 completely contrary to this kind of e-mail.

7 Q. Which -- oh the e-mail where she says she  
8 isn't being treated as a human being?

9 A. Right.

10 Q. What is it that you don't think she told?

11 A. Well about the incident when she and Erin  
12 Esure (phonetic) called Glenn up at 10:30 at night and  
13 asked him to come down to his office.

14 Q. Was that the three something?

15 A. Yes.

16 Q. Okay. Where he spotted the wine bottle?

17 A. Yes.

18 Q. So he -- your son told you about that?

19 A. Yup.

20 Q. Did he tell you about the incident where --  
21 did he describe for the officer where she allegedly took  
22 off her top and was rubbing her breast in front of him?

23 A. (No verbal answer)

24 Q. Did he tell you that he masturbated then?

25 A. Yes.

1 Q. Okay, and this was -- he testified at  
2 deposition that is the deposition -- didn't involve Miss  
3 Binette at the time, but in passing he testified that she  
4 would -- that is Miss Binette -- would take off her  
5 clothes to excite him. Is that consistent with what he  
6 told you?

7 A. At least on one occasion.

8 Q. Okay. Just checking my notes. Okay. Last  
9 one is Andrea Poutre. Okay. Your son -- were you aware  
10 that your son was taken by Miss Poutre?

11 A. (No verbal answer)

12 Q. Yes?

13 A. Yes. I'm sorry. Yes.

14 Q. And can you just describe what you recall how  
15 that progressed and then we'll get eventually up to 2013  
16 because let me give you some context. He represented her  
17 on four VOPs after he represented her on the DUI fatal.  
18 So the DUI fatal, from what I got, representation begins  
19 2003 to 2004.

20 A. Actually begins 2002.

21 Q. Okay.

22 A. In December, but there wasn't a lot to it.

23 Q. Until she got cited?

24 A. Until she got cited.

25 Q. That was in 2003?



1           A.       Yes.

2           Q.       Okay. So if you could just -- what you can  
3 recall about how they were getting along and anything --  
4 any detail you can provide?

5                   MR. MCGEE: What point in time? You  
6 mean from way back then?

7                   MR. SIMPSON: From the inception of the  
8 relationship until 2013, and if it's easier, we can  
9 break it into blocks. I'm happy to do it that way.

10          A.       I only know different ends of the spectrum. I  
11 met her the same time Glenn did.

12          Q.       2002?

13          A.       2002 December, and she had actually called my  
14 office because it was Diamond & Robinson at that point and  
15 Glenn and I went to interview her at her place in  
16 Irasburg, and that's when her mother was there, she was  
17 there, her baby Michaela was there, and Glenn and myself.  
18 That was the first time. Then Glenn really worked with  
19 her. Eventually returned the retainer so that she could  
20 use that to hire Paul Volk in the criminal matter, and  
21 then he stayed on as kind of like an assistant counsel,  
22 non-paid, to see her through it, and then represented her  
23 on a number of violations of probation and a change of  
24 custody case by Derrick Pogeny (phonetic) who was the  
25 father of Michaela, and always liked her, and she came to

1 visit him at his place. She came with her sister once,  
2 twice.

3 Q. Can I just interrupt you please? Are you  
4 basing this on what your son has told you or were you  
5 there or when she came to visit? See what I mean?

6 A. Yes. I think it was -- I think it was based  
7 on what he told me, but I'm not absolutely sure that I  
8 wasn't there for a period on one occasion.

9 Q. Which occasion was that?

10 A. It was out at his place in Newport Center, but  
11 again it was earlier.

12 Q. Can I try it this way please? Can you  
13 remember approximately how many times in a period up until  
14 February, prior to February 2013, and we can focus on  
15 that, okay, but prior to that, that you saw them, that is  
16 your son Glenn and Miss Poutre, together?

17 A. I think twice.

18 Q. That's all, just twice?

19 A. Yeah.

20 Q. Okay.

21 A. I'm pretty sure.

22 Q. And is that counting the time --

23 A. That we met the first time.

24 Q. Oh okay.

25 A. And I think on one occasion at his house when

1 she visited, but I'm not -- I won't -- I say I won't swear  
2 to that, but I wouldn't stake my life on the visiting her  
3 house -- his house, but I think -- I think I do remember  
4 one time.

5 Q. Okay, and was it close to 2013?

6 A. No.

7 Q. Closer to 2002?

8 A. In between.

9 Q. Okay. 2006? 2007?

10 A. You would have to ask Glenn when he lived on  
11 Buzzell Road in Newport Center because that's when I'm  
12 thinking of.

13 Q. Okay. That's the one time?

14 A. That's the one time, and if he says she never  
15 visited me there, then my memory is wrong.

16 Q. How did they get along that one time you may  
17 have remembered seeing them together? They got along  
18 fine?

19 A. Fine. Yeah.

20 Q. Were they kind of lovey dovey or just --

21 A. No. Just fine.

22 Q. Okay. Did your son ever tell you that he  
23 wanted to marry Miss Poutre?

24 A. Yes.

25 Q. When was that?

1           A.       Sometime in the mid 2000s after he had spent a  
2       good deal of time with her representing her and -- but I  
3       don't know whether it was 2011 or before.

4           Q.       Okay. What rings a bell for 2011?

5           A.       She filled in as I recall. It was either --

6           Q.       This is all based on what he told you; is that  
7       right?

8           A.       No.

9           Q.       I'm not being accusatory. I just want to get  
10      it straight.

11          A.       In terms of dates it's not based on what he  
12      told me.

13          Q.       Okay.

14          A.       But my recollection of the dates could be  
15      wrong. Kelsey went on vacation. It was like a two week  
16      trip to Hawaii in the summer of 2011. I'm pretty sure of  
17      that.

18          Q.       Okay. I see.

19          A.       And I believe Andrea volunteered and came in  
20      for a couple of weeks to answer the phone while Kelsey was  
21      gone, and I know that she brought Michaela in and they did  
22      work around the office. That part of it I know from  
23      Glenn.

24          Q.       Okay.

25          A.       Okay, but --

1 Q. Maybe you were looking at his books at this  
2 time and saw this was a new employee?

3 A. No. I don't think she was an employee. I  
4 think she just -- you know he had represented her for  
5 nothing for years, and I think Kelsey just said I got to  
6 leave for two weeks and she knew -- I mean Andrea was in  
7 and out of the office when Kelsey was there because of the  
8 representation.

9 Q. Sure.

10 A. So Kelsey saw her extensively. Not only saw  
11 her, but transported her there and back to her house,  
12 things of that nature, and I think that she -- Kelsey  
13 either asked or when Kelsey said she was going to be gone  
14 for a couple weeks Andrea volunteered to answer the  
15 phones, to be of help. You know to me at least it sounded  
16 like saying thank you for all you have done, you know.

17 Q. As far as you understood it was voluntary?

18 A. Yes.

19 Q. She wasn't going to get paid?

20 A. Not that I know of, but I have -- remember at  
21 that time I had nothing to do with the finances of the  
22 office.

23 Q. Understood. Understood. So the way I've got  
24 it you saw them one time together in the period up to  
25 February of 2013?

1 A. Right. Just a couple of times.

2 Q. And your son during that period said he did  
3 want to marry her, Miss Poutre?

4 A. Yes.

5 Q. And did he express to you what he thought his  
6 chances were of getting married to Miss Poutre?

7 A. You know what he said was I would love to date  
8 her if she would have me and I would marry her in a minute  
9 if she was willing, but not until she was really single.

10 Q. And she was with --

11 A. Right. Right.

12 Q. So we'll focus on the claims against -- filed  
13 against your son. One claim involving Miss Poutre relates  
14 to a time December through -- December 2012 through -- no  
15 January. I guess January 2013 through March 8th when she  
16 was cited for -- arrested for embezzling from him. So  
17 that's what I'll be asking the questions on. How many --  
18 how many times did you see them together during that  
19 period?

20 A. Once.

21 Q. During that time that I mentioned January 2013  
22 through -- I guess she started in late January, January  
23 28, 2013, and got done March 8th roughly --

24 A. Right.

25 Q. -- for the embezzlement. Did you speak at all

1 with your son Glenn about Miss Poutre during that period  
2 leaving aside the time you went up there?

3 A. No except for the time that I went up there  
4 which was in February.

5 Q. Now your wife has been listed as a witness as  
6 well. Do you know whether your wife went up separately  
7 during that period to see Glenn?

8 A. I don't.

9 Q. Okay. Not one way or the other?

10 A. I don't think she did, but --

11 Q. Fair enough.

12 A. I don't know that she did.

13 Q. So you saw them together, that is Miss Poutre  
14 and your son Glenn, once during that period and I'll get  
15 to that, and then didn't talk about the relationship with  
16 your son during that period? I know you probably did  
17 afterwards, but during that period?

18 A. I did after.

19 Q. Okay. So let's get that out of the way. What  
20 did he tell you afterwards, after this -- after she  
21 stopped working because she was arrested? She had  
22 embezzled -- I think she admitted embezzling at least a  
23 couple thousand dollars.

24 A. We didn't talk about it after his  
25 relationship. We -- what we -- we had the luncheon

1 together.

2 Q. Okay. Well maybe we should do that.

3 A. And that really -- well I had come up in  
4 February to discuss finances with him.

5 Q. Okay.

6 A. I had waited until his year-end reports would  
7 be completed.

8 Q. Okay.

9 A. So that took his bookkeeper a good chunk of  
10 January, probably until the end of January, and then I  
11 made an appointment in between my trips to go up, spend a  
12 day with him, good chunk of a day, and go over the  
13 finances, both revenue, expenses, you know, again to try  
14 to give him some advice on how to survive the downturn,  
15 and that was the purpose. I got up there I'm going to say  
16 between 10 and 10:30 in the morning.

17 Q. Okay.

18 A. And all I know it was a school holiday. He  
19 had given Andrea off so that she could spend the day with  
20 her daughter.

21 Q. Yup. That's what he told you?

22 A. That's what he told me, yeah. She wasn't at  
23 work that day. So I mean she didn't come in until  
24 noontime. When I got there he said Andrea is going to  
25 come in to join us for lunch and she's going to bring



1 Michaela and I said that's fine.

2 Q. Can I interrupt you please. Did your wife  
3 come up on this trip?

4 A. No.

5 Q. Go ahead please.

6 A. So come around noon she and Michaela arrived  
7 and we ordered lunch from Little G's. It was delivered in  
8 about 10 minutes so we had some time to schmooze before it  
9 arrived. We gathered in the conference room, and if this  
10 were the conference table, I was sitting where Scott is  
11 sitting.

12 Q. Okay. Indicating about three or four feet  
13 away? Two or three --

14 A. At the end of the table. Directly across from  
15 me was Andrea, in the middle was Michaela, and closest to  
16 the conference door and farthest from me was Glenn.

17 Q. Okay.

18 A. And we ate lunch. We talked.

19 Q. Can I interrupt again please? You were the  
20 only -- Michaela, Miss Poutre, you, your son Glenn.  
21 That's it, right?

22 A. Yeah. There were four of us.

23 Q. Okay.

24 A. And it was an easy lunch. Easy. It was  
25 obvious that there was a great relationship between

1 Michaela and Glenn which he had told me he had seen  
2 Michaela on a number of occasions. I've since learned by  
3 the way, not at that time did I know that she had come in  
4 during that two weeks that Andrea was there and had helped  
5 him on a box project, removing boxes. There was a cute  
6 story about it.

7 Q. Okay, and this is what your son told you?

8 A. Right. That part he told me, but in relation  
9 to why there was such a great relationship between him and  
10 Michaela --

11 Q. Got it.

12 A. -- which I observed.

13 Q. By that you mean they were joking?

14 A. Joking, bantering. Just easy back and forth.

15 Q. Okay.

16 A. So lunch came to an end. Glenn and I needed  
17 to get back to work because I didn't have all afternoon to  
18 spend, and so Michaela said I'll clean up, take everything  
19 out. So we put the boxes together and she took them. She  
20 left the conference room with it, and as she left the  
21 conference room Andrea who is right across from me moved  
22 directly to Glenn and put her arm -- her hand under his it  
23 would have been right arm and pulled him close and rubbed  
24 his arm and looked up into his eyes and said thank you  
25 with a big smile.

1 Q. Did you know what the thank you was for?

2 A. I'm assuming for the lunch and for the nice  
3 time for her daughter.

4 Q. I was thinking the daughter, but the lunch you  
5 paid for or he paid for?

6 A. Yeah he paid for.

7 Q. Okay.

8 A. So she didn't. So she could have been  
9 thanking for that, but I assumed most of it had to do with  
10 thank you for being nice, really nice with my daughter. I  
11 was really taken by that. I mean I was -- I was for the  
12 first time I don't want to say not astounded, but I really  
13 thought wow maybe these two will get together and maybe  
14 they will get married.

15 Q. I'm interrupting I know, but as far as you  
16 know was Jeremy Prue still in the picture at this point?

17 A. Yes. So I mean I was so taken by that, that I  
18 think when I went home I actually said something to Candy  
19 about --

20 Q. That's your wife? Candy is your wife?

21 A. Right. I don't know whether she remembers it,  
22 but I was really taken by it and I thought, you know,  
23 because he's a bachelor. He's 55 years old now. He's  
24 never been married, and I said well, you know, maybe he's  
25 right. Maybe it will happen between them some day. So

1 then I stayed and we went back into Glenn's office and we  
2 worked for probably another hour. I'm going to say from 1  
3 or shortly thereafter to about 2:30 and then I left.

4 Q. Okay.

5 A. Now Andrea I believe and Michaela were there  
6 when I left. I don't know if they left and came back or  
7 they stayed and waited after lunch while I was working  
8 with Glenn, but that's -- that's --

9 Q. That's what you recall?

10 A. That's what I recall very vividly.

11 Q. They were really getting along well?

12 A. Extremely well.

13 MR. SIMPSON: Okay. I don't have any  
14 other questions. Thank you.

15 MR. McGEE: All set

16 (Whereupon, the deposition was  
17 adjourned at 2:40 p.m.)  
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S I G N A T U R E

This deposition has been read by me and the  
answers contained therein are true and  
accurate.

\_\_\_\_\_  
M. Jerome Diamond

Subscribed to before me, this \_\_\_\_\_  
day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public

C E R T I F I C A T E

STATE OF VERMONT, )

CHITTENDEN COUNTY, SS. )

I, JoAnn Q. Carson, a Notary Public, within and for the State of Vermont, do hereby certify that I recorded by stenographic means the deposition of M. Jerome Diamond, a witness appearing at the request of the Professional Responsibility Board, at the Offices of the Vermont Supreme Court, Montpelier, Vermont, on October 2, 2017, beginning at 1:35 p.m.

I further certify that said witness was sworn to testify the truth, the whole truth, and nothing but the truth, and that the foregoing testimony was taken by me stenographically and thereafter reduced to typewriting, and the foregoing 45 pages are a full, true, and correct transcription of the testimony of said witness to the best of my ability. I further certify that I am not related to any of the parties thereto or their Counsel, and that I am in no way interested in the outcome of said cause. Dated at Burlington, Vermont, this 3rd day of October, 2017.

---

JoAnn Q. Carson

Registered Merit Reporter

Certified Real Time Reporter

My Commission Expires February 10, 2019