

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: Glenn Robinson, Esq., Respondent
PRB Docket No. 2013-172

**RESPONDENT'S OPPOSITION TO DISCIPLINARY COUNSEL'S
SEVERAL MOTIONS IN LIMINE**

Respondent opposes Disciplinary Counsel's several motions in limine. Some seek to admit out of court statements of Pam Binette to various persons and another seeks to admit her medical records. All are misplaced. Each is addressed below.

Pam Binette's out of court statements to other persons are inadmissible hearsay

Disciplinary Counsel seeks to admit email chains between Pam Binette and Respondent and between Ms. Binette and other persons and states that now that Ms. Binette will testify at the hearing, any hearsay objection is moot. That is not a correct characterization of VRE 801. A hearsay statement, that is, an out-of-court statement of a person introduced to prove the truth of the matter asserted, is not relieved of its hearsay status when the declarant testifies. It remains hearsay and is not admissible unless it falls within an exception to the hearsay rule.

Ms. Binette will be available to testify in this matter. Respondent is making no claim that her allegations against Respondent are recent fabrications; to the contrary, she made allegations about Respondent in the several months after she was terminated from her position as his assistant at the end of January 2013. She later recanted those allegations. She apologized to Respondent for her conduct and admitted to Respondent that she had lied to the State Police. If she denies at hearing having recanted her allegations against Respondent, she will be subject to cross-examination on that point with respect to any prior inconsistent statements she has made.

That does not open the floodgates to admit hearsay statements. Respondent also relies on his Memorandum in Opposition filed with the Hearing Panel on or about November 11, 2107.

Pam Binette Medical Records and Statements to Dr. Kaufman

Respondent has filed a Motion to Exclude the testimony of Dr. Kaufman. If the Hearing Panel agrees with Respondent that the testimony Disciplinary Counsel has proffered for Dr. Kaufman within the scope of the expert witness disclosures is not admissible and is not relevant to the matters at issue because it fails to connect any observations made by Dr. Kaufman to conduct of the Respondent, then Ms. Binette's medical records and any statements she made to Dr. Kaufman for purposes of her treatment are likewise inadmissible as lacking any evidentiary foundation. Respondent incorporates herein by reference his filing with respect to excluding Dr. Kaufman as a witness.

Wherefore, Respondent requests that the Hearing Panel exclude the hearsay offerings of Disciplinary Counsel and exclude Ms. Binette's medical records and any statements she made to Dr. Kaufman in connection with her psychiatric appointments with Dr. Kaufman.

Dated at Hartford, Vermont this _____ day of December, 2017.

GLENN ROBINSON, Respondent

By: _____



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