STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In re: Glenn Robinson **PRB 100-2025**

Decision No. 260

Introduction

Petitioner Glenn Robinson was admitted to the Vermont bar in 1999 and practiced law continuously until his suspension in 2018. He was later disbarred by order of the Vermont Supreme Court. A disciplinary complaint had been filed against him in June 2017. A Hearing Panel conducted hearings in November 2017 and January 2018 and rendered its decision in March 2018. The Panel concluded that Petitioner had violated rules 1.7, 4.3, 8.4(d), and 8.4(g) of the Vermont Rules of Professional Conduct and suspended him from the practice of law for a period of two years. *See*, *In re Robinson*, PRB 2013-172, (March 30, 2018).

The Vermont Supreme Court ordered review of the Hearing Panel's decision on its own motion. *See*, *In re Robinson,* 2019 VT 8, 209 Vt. 557. In its opinion, the Court affirmed the Panel's conclusions regarding violations of Rules 1.7, 4.3, and 8.4(g), and reversed the violation of Rule 8.4(d). But the Court also determined that the Panel had incorrectly applied the applicable American Bar Association Standards for Imposing Sanctions when it imposed the sanction of a two-year suspension. In its calculation of the presumptive sanction for violations of rules 4.3 and 8.4(g) the Court ordered that the Petitioner be disbarred effective February 22, 2019. *See also, In re Robinson,* 2019 VT 24, (decision on motion for clarification).

Disbarment is effective for a period of five years after which a respondent may apply for readmission to the bar. Administrative Order 9, Rule 26 A. In its order, the Supreme Court affirmed the decision of the Hearing Panel regarding the prerequisite conditions for refiling. *See, In re Robinson,* 2019 VT 8 at ¶ 79. The Hearing Panel required that Mr. Robinson,

> submit as part of his application (1) an independent qualified health-care professional's evaluation of his mental health, to be paid for by Respondent, to be performed no earlier than 90 days prior to the filing of any motion, and (2) a certificate of his participation in and completion of a sexual harassment education program that meets with the prior approval of Bar Counsel.

In re Robinson, PRB Decision No. 214 at *100-01, approved by the Supreme Court *In re Robinson,* 2019 VT 8, supplemented in 2019 VT 24.

On or about January 24, 2024, almost six years after disbarment, Petitioner filed a motion for readmission to the bar. Attached were a report of Licensed Marriage and Family Therapist Erin Donahue dated January 28, 2018, and a one-page "visit summary" by Psychiatric Mental Health Nurse Practitioner Johannah Cacio dated November 13, 2024. Also attached were a letter from Attorney Karen Stackpole which described the Petitioner's participation in a sexual harassment educational training program which she conducted as well as a letter from Bar Counsel Michael Kennedy which certified that he had selected Attorney Stackpole's program for the Petitioner.

Hearing on the petition for readmission was conducted by Hearing Panel 9 on May 22, 2025. Petitioner Glenn Robinson appeared and represented himself. Jon T. Alexander, Esq. appeared for the Office of Disciplinary Counsel. At the conclusion of

the evidence, the parties indicated that they would order a transcript of the proceedings and requested that they be permitted to file proposed findings of fact and conclusions of law two weeks after its completion. On or about July 7, 2025, Petitioner filed proposed findings of fact and conclusions of law; Disciplinary Counsel filed on July 31.[1] In his filing, Disciplinary Counsel "neither supports not opposes Petitioner's request for reinstatement . . .."

Findings of Fact

Testimony of the Petitioner

1. Petitioner testified that he had been diagnosed with ADHD [attention deficit hyperactivity disorder] as a child.[2] He had been prescribed medication for the same but had ceased taking the medication as a teenager. Transcript ("Tr.") 6.
2. In November 2012—prior to the time that complaints were filed against Petitioner—the Petitioner's parents approached him and told him that they had "concerns" about his behavior. Tr. 8. As a result, Petitioner consulted with a psychiatrist at the Dartmouth Hitchcock Hospital who, in turn, referred him to a therapist, Erin Donahue, a Licensed Marriage and Family Therapist. Tr. 9.

[1] Proposed findings of fact and conclusion of law were filed untimely by Disciplinary Counsel and were not considered by the Panel.

[2] "A recitation of testimony is not a finding of the facts contained in the testimony." *Valsangiacomo v. Paige & Campbell Co.*, 136 Vt. 278, 279, 388 A.2d 389, 390 (1978).

3. Petitioner participated in therapy with Ms. Donahue for about seven years, amounting to more than 100 regular appointments, followed by three years of intermittent sessions. Tr.11. Unfortunately, Ms. Donahue was not called as a witness by Petitioner. (Petitioner testified that she is retired from practice and is traveling the world. He apparently was able to contact her. Tr. 45.
4. In November 2024, Petitioner enlisted Johannah Cacio, a Psychiatric Mental Health Nurse Practitioner, both to evaluate him per the Order of March 30, 2018, and to establish a therapeutic relationship. Tr.14. (Ms. Cacio testified at the hearing.)
5. Petitioner testified that Ms. Donahue advised him that he suffered from untreated ADHD and a "very serious" grief disorder. Tr. 9. (Beginning with Petitioner's college years, eighteen close friends and other "significant people" suffered premature deaths over a twenty-year period.)
6. Petitioner attributed his misconduct to his unresolved grief disorder and untreated ADHD. Tr. 9.

> I attribute my misconduct to untreated ADHD which caused me to act impulsively. I now take medication which controls impulsivity. I now understand power imbalances inherent in a lawyer-client romantic relationship. Also, I have been trained in recognizing and avoiding sexual harassment. Believe me, I will never again engage in a sexual relationship with a vulnerable person.

7. Petitioner testified that therapy "thoroughly addressed" his grief disorder. Also, that he was prescribed (and is still taking) medications to control ADHD. Tr. 13.

8. Petitioner testified that the ADHD medications are effective in helping him to avoid impulsivity. Petitioner attributes his code violations to poor judgment and impulsivity; that impulsivity adversely affected his judgment as well as his actions. Tr. 13. He did not claim that there was a cause-and-effect relationship between his mental health issues and his behavior.
9. For the past six years Petitioner has worked as a paralegal for Attorney Jody Frey. Tr. 13. Prior to his disbarment, Ms. Frey worked as a paralegal in Petitioner's law office and began law office study to become an attorney. Tr. 13-14. After Ms. Frey was admitted to the bar—after Petitioner's disbarment—he began to work as a paralegal for her.
10. Petitioner was uncertain whether or not he had a written agreement with Ms. Frey outlining what he could and could not do as a paralegal. He testified that he had a firm verbal understanding with her about these matters. Tr. 51. Petitioner did virtually all of Ms. Frey's legal research and helped her draft legal briefs and other documents. Tr. 51-52. Prior to working for Ms. Frey, he worked as a paralegal for his father—he was under suspension at the time—and had a written agreement with him. Tr. 51.
11. Petitioner participated in and completed a sexual harassment training program conducted by Attorney Karen Stackpole. *See* exhibit #3. He also participated in and completed additional training in a 3-session program conducted by Hickok & Boardman. These sessions covered leadership, emotional intelligence, and navigating conflicts in the workplace involving

power imbalances. Bar Counsel Michael Kennedy approved both the programs of Ms. Stackpole and Hickok & Boardman. *See* exhibit #2.

12. In her report, Ms. Stackpole summarized the substance of the training program she had conducted for the Petitioner. Attorney Stackpole opined that,

> Mr. Robinson was thoughtful in the discussion. He asked lots of good questions. He indicated that he had learned lots of lessons and he recognized areas in which he had made significant mistakes. He seemed sincere in his desire to avoid similar behavior in the future.

See, exhibit #3.

13. Ms. Stackpole did not give any specific examples of what lessons the Petitioner had learned through her program or the steps he would take to comply with ethical rules in the future. She was not called as a witness.

14. Petitioner testified that he has learned that, "there is no such thing as a relationship with a client or an employee . . .." Tr.18. He testified that he understands power imbalances and that there are people who are vulnerable to the machinations of the more powerful. He testified that he knows that such relationships are inappropriate. Tr. 39. Petitioner denied that he intentionally preyed upon vulnerable women. Tr. 33, 39.

15. Petitioner testified,

> The victims of my conduct were vulnerable. What I learned what's different now is that I have to stay away from those things. I have to stay away from somebody [who] either lacks capacity or is in trauma of some kind or is just vulnerable for whatever reason, and I really get that. I now have the tools to identify those things. But more importantly, I will tell you that I don't even think like I used to. I can't

> explain why I engaged in that conduct that I did, but I can tell you that I never, ever will again.. . .
> Tr. 20-21.

16. Petitioner testified that he had had a tendency to attempt to help or to save vulnerable people. He testified that he did not "target" vulnerable people in the sense that he sought them out, but that when he encountered the complainants, he thought he was helping or rescuing them by engaging in relationships with them. Tr. 31-32.
17. Petitioner testified that as a result of his therapy and training, and by observing other professionals, that he is more thoughtful about his conduct and that he no longer acts impulsively. Tr. 21.
18. Petitioner did not explain how he planned to avoid developing a relationship with vulnerable women or what psychological tools he would use to recognize and avoid inappropriate relationships. He did not indicate how he would incorporate safeguards or protocols into his practice in order to avoid inappropriate relationships and sexual harassment in a professional setting.
19. Petitioner failed to present any concrete examples or objective evidence of his ability to avoid impulsivity and to exercise sound judgment when encountering difficult circumstances.
20. Petitioner testified that he has been president of his homeowners association since his disbarment and has taken a leadership role in is church, Tr. 24, but he did not call a witness from either venue to testify about his character or conduct.

21. Both the Petitioner and Attorney Frey testified that the Petitioner, as the latter's paralegal, does virtually all of her legal research for her. However, no evidence was presented about how the Petitioner has remained current in the law during the six-plus years of his disbarment. Tr. 51-52, 90.
22. The Panel notes that there have been many changes in Vermont practice during the past six years. In addition to Supreme Court decisions, there have been many legislative changes. There have also been changes in Continuing Legal Education requirements and updates in electronic filing. The Petitioner did not present any evidence demonstrating that he has kept current with Vermont law and practice.
23. The Petitioner did not present any evidence regarding what he had learned about potential conflicts of interest in the practice of law. He did not present any evidence about how he would be able to recognize and avoid conflicts of interest.
24. Petitioner testified that he is deeply remorseful, Tr. 8, and he appears to be sincere.

Testimony of Johannah Cacio, NP

25. As set forth in the March 30, 2018, order, Petitioner was required to present evidence of a mental health evaluation which had to occur within 90 days of the date he filed his petition for readmission.

26. Petitioner was referred by his primary care provider to Johannah Cacio, a Psychiatric Mental Health Nurse Practitioner. Petitioner met with Ms. Cacio for a mental health evaluation in November 2024. Tr. 18.

27. Ms. Cacio's evaluation consisted of reviewing prior mental health records, in this case solely a 4-page letter from Erin Donahue. Ms. Cacio conceded that she never specifically diagnosed Mr. Robinson with ADHD. Rather, "He came with that diagnosis [from Ms. Donahue]." Tr.71.

28. Ms. Cacio also reviewed the Supreme Court decision in Petitioner's case. As well, she relied on the Petitioner's self-report of his history and her own subjective judgment based on her initial appointment with the Petitioner. Tr. 60,

29. Ms. Cacio channeled significant information from Ms. Donahue's letter, for example, a childhood diagnosis of ADHD and that Petitioner required a mentor in school to help him regulate his behavior. She paraphrased Ms. Donahue at length: Tr. 60-61.

> But then she highlighted again that when she first started working with you, you were not able to recognize or worry about a power differential. And I had quoted that unable to recognize or worry about a power differential. But over the course of time of working with you found that you were able to understand and appreciate power differentials and showed and expressed sincere remorse and accepting of responsibility. So just highlighting your growth from the time of starting care with her to the time that she wrote that letter.

She also repeated that a grief-related PTSD diagnosis was "significant" as well.

30. Ms. Cacio was unable to refer to her own evaluation of Petitioner because, she explained, it was in the possession of her prior employer and her records had not been sent to her. Tr. 62. She testified that, "from what I remember that at the time of the eval[uation] your ADHD was well-controlled. You had been stabilized on Wellbutrin, ..." Tr. 62. Ms. Cacio's evaluation recommended that Petitioner remain in therapy. Tr. 64. Based upon her review of materials provided as well as her subjective judgment from speaking with Petitioner, Tr. 72, Ms. Cacio opined that,

> you just had a typical findings (sic) on untreated ADHD. . . . [Y]ou're just amplified to be more vulnerable essentially for, you know, poor choices, more impulsive behaviors, just basically decreased disinhibition in general. So it made sense if you were untreated, that you would make more risky decisions, not think about consequences. So it all aligned in my mind.

Tr. 63.

31. Ms. Cacio opined that Petitioner's ADHD "appears to be well managed." She does not have any concerns about his conduct. "It seems like [Petitioner has] true remorse, a good insight, good handle on impulsivity. Tr. 63. These conclusions are based in large part on the Petitioner's self-reports.

32. Ms. Cacio testified that there was a connection between untreated ADHD and Petitioner's misconduct.

> Really anyone with untreated ADHD has the propensity to engage in risky behavior, Very impulsive, poor judgment, just no real regard for consequences in general.

Tr. 65. She believes that Petitioner's grief issue contributed to his misconduct as well. "Any sort of grief process can exacerbate other symptoms, especially if it's untreated and unmanaged." Tr. 66.

33. When Ms. Cacio was asked on cross-examination if, in her evaluation, she concluded that Petitioner, "at that time had well-controlled ADHD and . . . anxiety disorder," she responded, I cannot tell you. I don't have access to [the evaluation]. I don't remember what it says." Tr. 71-72. She conceded that she had not specifically diagnosed the Petitioner with ADHD, saying "He came with diagnosis." That diagnosis was her "operating premise." She also accepted the diagnosis of an adjustment disorder. Tr. 72. She did not do anything to independently evaluate the validity of the latter diagnosis.

34. Ms. Cacio believes that the likelihood of the Petitioner further engaging in similar misconduct is "very, very slim," although she can make no absolute guarantees, Tr. 75. She testified that,

> He's well medicated. He's been on medication since I started working with him., which helps control, you know symptoms. But he's also engaging in regular therapy. So both of those highlight that he's making good choices for himself and taking his case seriously.

35. Ms. Cacio met with the Petitioner again in March 2025 but could not remember if she administered additional screening assessments at that time or, if she administered them, what they indicated about the Petitioner. Tr. 76. Ms. Cacio could not remember how many times she met with Petitioner between November 2024 and March 2025, again explaining that she did not have access to her records. Tr. 76.

Testimony of Jody M. Frey, Esq.

36. Attorney Jody Frey first met the Petitioner in 2012, before she became a lawyer. She had signed up for a class that the Petitioner gave to laypersons about divorce law. Shortly after the class, she retained the Petitioner as her divorce lawyer. Tr. 80.
37. After the divorce was concluded, Ms. Frey spoke to the Petitioner about reading for the bar and consequently began a law office study (LOS) program in his office. When misconduct complaints were filed against the Petitioner, she elected to pursue LOS with him and remained in his office until his suspension from practice. Tr. 80-81.
38. Ms. Frey had met two of the women who had filed complaints against the Petitioner. She believed that he was no risk to her personally. From 2012 until Petitioner's suspension in 2018 she did not observe or experience any conduct or behavior that was disturbing or that made her feel uncomfortable. Tr. 82-83.
39. After the Petitioner was suspended from practice, Ms. Frey continued law office study with his stepfather, M. Jerome Diamond. She also spent one LOS period in the law office of Attorney Greg Howe. Tr. 85.
40. In April 2019 Ms. Frey hired the Petitioner as a full-time paralegal in her own law office. Petitioner remained in that position through the date of the hearing on readmission. Tr. 87.

41. In his paralegal position, the Petitioner interacts with clients, another staff member, and vendors. He opens legal files and makes certain that the files are in order. He helps to manage Ms. Frey's schedule. Tr. 88.
42. From April 2019 until the hearing date, Ms. Frey observed no conduct or behavior on the part of the Petitioner that was disturbing or inappropriate or which made her feel uncomfortable. However, Ms. Frey did not offer any observations, supported by specific examples, to show that Petitioner had experienced a transformation in his thinking and attitudes about the propriety of romantic relationships with clients or employees. Tr. 88-89.
43. The Petitioner provides traditional paralegal services for Ms. Frey. He does legal research. He identifies and researches potential ethical issues. He takes ethical rules seriously and strives to have the office maintain high ethical standards. Tr. 90-91. No specific example of this activity was presented.
44. Ms. Frey testified that she believes that the Petitioner has stayed current with the law but gave no specific basis for her belief. Tr. 90.
45. Ms. Frey has had no concerns about the Petitioner's decision-making, his judgment, or his character. She has no concerns about the quality of his work, his ability to maintain appropriate boundaries, his personality, or his demeanor. Tr. 92. She believes that he is less impulsive and more thoughtful than he was when she first worked with him. Tr. 93. Again, no specific examples were cited.

46. As a mother with two young daughters, Ms. Frey is sensitive to predation of children. On occasion, she has trusted her daughters to supervision by the Petitioner. She has observed that her daughters have an appropriate relationship with him. Tr. 94-95.

47. Based upon her observations and her experience with the Petitioner, Ms. Frey believes that he has been rehabilitated and that he is fit to practice law. Tr. 96. Ms. Frey believes that she should be considered unbiased in this matter because if Petitioner is reinstated, she "stand[s] to lose the best paralegal anybody could have." Tr. 97.

48. Ms. Frey also cannot recall whether or not she and the Petitioner had a formal written agreement about his duties and limits as a paralegal, but they had a firm verbal agreement. In her client-retainer agreements, Petitioner is clearly identified as a paralegal. Tr. 113-14.

Testimony of M. Jerome Diamond, Esq.

49. Petitioner's stepfather, M. Jerome Diamond, is a retired Vermont lawyer. He confirmed the Petitioner's testimony set forth in paragraphs 2 and 3 above. Tr. 121. Mr. Diamond became his stepfather almost 50 years ago and they are very close. Tr. 120-21,

50. Mr. Diamond was aware that misconduct complaints were filed against Petitioner in 2013. Mr. Diamond opened a law office in Newport, Vermont and worked with Petitioner. He testified that by the time the complaints were made, Petitioner was in therapy and was being medicated for ADHD. Tr. 122-

23. He testified that Petitioner's demeanor had already begun to change; that his impulsivity had diminished, as well as his emotional highs and lows. He testified that Petitioner was "grateful that [his] conduct that had caused these issues had come to an end." Tr. 123. In Mr. Diamond's opinion, his emotions do not control him anymore. His judgment is "much sounder" than it ever was before. Tr. 125. However, Mr. Diamond offered no specific examples of the improvements in Petitioner's professional behavior.

Conclusions of Law

Administrative Order 9, Permanent Rules Governing Establishment and Operation of the Professional Responsibility Program (hereafter "A.O. 9") makes provision for the reinstatement of lawyers who have been disbarred or suspended. Rule 26 D sets forth, in pertinent part, that at the hearing for reinstatement,

> the respondent-attorney shall have the burden of demonstrating by clear and convincing evidence that the respondent has the moral qualifications, competency, and learning required for admission to practice law in the state, and the resumption of the practice of law will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest and that the respondent-attorney has been rehabilitated.. . .

Hearing panels in previous reinstatement cases have taken a common approach to their task.

> In assessing the issue of rehabilitation, the Hearing Panels in *In re Lichtenberg,* PRB Decision No. 1 (December 1990) approved by Supreme Court Entry Order Docket No. 99-533 (January 2000), *In re Blais,* PRB Decision No. 58 (October 2003), approved by Supreme Court Entry Order, Docket No. 2004-010, (October 2003), and *In re Lane*, PRB Decision No. 108, (April 2008), approved by Supreme Court Entry Order, Docket No. 2008-153

(May 2008) considered the underlying causes of the disbarment or suspension in connection with its determination of the attorney's rehabilitation.

In each of these cases it was important to identify the precipitating event or behavior that led to the charges of misconduct and to evaluate whether, at the time of the petition for reinstatement, the attorney had sufficient understanding of his situation and had made the necessary changes to insure the Panel both that he had been rehabilitated and that when faced with similar situations upon return to practice, the attorney would not revert to prior behavior.

In re Neisner, PRB Decision No. 139 (March 2011) at *9, approved by Supreme Court Entry Order, 2011 VT 35 (April 2011).

The Petitioner's disbarment was due to what may be fairly characterized as ethical lapses (as opposed to incompetence or disability). Petitioner had been charged with three violations of the Vermont Rules of Professional Conduct: 1.7, 4.3, and 8.4(g). [3]

V.R.Pr.C. 1.7 (a) provides:

RULE 1.7. CONFLICT OF INTEREST: CURRENT CLIENTS

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client; or

(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

Rule 4.3 provides

[3] The Panel also found that the Petitioner violated 4.3(d). This part of the decision was reversed by the Supreme Court, 2019 VT 8 at ¶¶ 50-52 and will not be considered here.

RULE 4.3. DEALING WITH UNREPRESENTED PERSON

In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.

Rule 8.4(g) provides:

RULE 8.4. MISCONDUCT[4]

It is professional misconduct for a lawyer to:

* * *

(g) engage in conduct related to the practice of law that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, color, sex, religion, national origin, ethnicity, ancestry, place of birth, disability, age, sexual orientation, gender identity, marital status or socioeconomic status, or other grounds that are illegal or prohibited under federal or state law. This paragraph does not limit the ability of a lawyer to accept, decline, or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these rules.

I. The precipitating events and behaviors that led to the charges of misconduct.

Regarding violation of Rule 1.7, the Hearing Panel determined that engaging in a sexual relationship with a client, C.M., while representing her in a divorce proceeding constituted an inherent conflict of interest. *In re Robinson,* PRB Decision No. 214 at *45-48. The Panel concluded that Petitioner violated his duty to avoid

[4] Rule 8.4 was amended effective November 14, 2022, but Rule 8.4(g) is unchanged.

conflicts of interest and did not qualify for an exception under Rule 1.7(b) when he engaged in a sexual relationship with C.M. without obtaining her informed consent in writing to a waiver of the conflict.

The Petitioner later had a sexual relationship with another client, P.B. He also employed P.B. in his law office. The Panel determined that when the Petitioner had P.B. sign a disclaimer waiving any conflict of interest, he violated Rule 4.3. The Panel concluded that since the waiver was designed to protect himself, inducing P.B. to sign the same constituted a concurrent conflict of interest prohibited by the rule. PRB Decision No. 214 at *51-55. "[T]he panel concluded that respondent committed two distinct violations of Rule 4.3 when he: (1) failed to take reasonable steps to correct P.B.'s misunderstanding about his role in the September 2012 agreement namely that he was acting in his own interest and not representing P.B. in any way; and (2) failed to advise P.B. that she should consult an independent attorney before signing the waiver.

Lastly, the Panel concluded that by having P.B. sign the waiver agreement, he had engaged in *quid pro quo* sexual discrimination which violated Rule 8.4(g). PRB Decision No. 214 at *67-68. In so concluding, the panel determined that: (1) respondent's conduct toward P.B.—including the so-called "paperclip incident" and the masturbation incident—created a hostile work environment tantamount to sexual harassment; and (2) the waiver clause in the September 2012 agreement constituted *quid pro quo* sexual harassment because it implicitly conditioned P.B.'s employment upon submitting to unwanted sexual advances "by placing [P.B.] in a

position where she could not as a practical matter assert a claim of discrimination or harassment against her employer going forward." *Id.* at *69. The Panel determined that respondent's actions violated Rule 8.4(g) by creating a hostile work environment for P.B. and implicitly conditioning P.B.'s future employment on her agreement not to file future discrimination and sexual-harassment claims.

Generally speaking, the principal issue in Mr. Robinson's reinstatement petition is whether he has the moral qualifications to practice law. As noted, the burden was on the Petitioner to prove his rehabilitation by clear and convincing evidence. The Panel concludes that the Petitioner failed to meet his burden: the evidence failed to convince the Panel by clear and convincing evidence of his moral qualifications.

There are two aspects to the precipitating events that led to the charges of misconduct in Petitioner's case. The first is that the Petitioner established sexual relationships with women who were his clients and, in the case of the second woman, an employee as well as a client. These relationships had common features: the women were his clients and, for various reasons, had vulnerable personalities. The second aspect is that each misconduct charge involved a conflict of interest that the Petitioner failed to appreciate and to avoid. In the case of P.B., he also failed to appreciate that his proffered waiver (which she signed) constituted *quid pro quo* sexual harassment.

II. Evidence that Petitioner has sufficient understanding of his situation and has made the necessary changes.

A. Inappropriate sexual relationships with clients.

1. Petitioner's understanding of the situation.

The Petitioner testified that due to his counseling and his participation in Attorney Stackpole's sexual harassment training program, he now understands the dynamics of sexual relationships that involve an imbalance of power. He testified that he understands that the two women who filed complaints leading to his disbarment were vulnerable persons. He did not clarify whether he understood that they were vulnerable because of their inferior positions in an unbalanced-power relationship, i.e., because the women were his clients, or because they had personal situations which made them vulnerable, or both. But he did testify that he would "never, ever" engage in similar conduct again.

The Panel concludes that, at least in general terms, the Petitioner understands that engaging in a romantic relationship with a client can readily lead to professional misconduct. However, the Petitioner never explained that he knew *how* or *why* such relationships are inappropriate.

2. Evidence that Petitioner has made the necessary changes.

Evidence was deficient that the Petitioner has made the necessary changes to ensure the Panel both that he had been rehabilitated and that when faced with similar situations upon return to practice, he would not revert to prior behavior. Petitioner's evidence—both his own testimony and that of his witnesses—was almost entirely subjective, that is lay opinion testimony, and was not supported by concrete examples. For example, in the Petitioner's words,

> I attribute my misconduct to untreated ADHD which caused me to act impulsively. I now take medication which controls impulsivity. I now understand power imbalances inherent in a lawyer-client romantic relationship. Also, I have been trained in recognizing and avoiding sexual harassment. Believe me, I will never again engage in a sexual relationship with a vulnerable person. Tr. 9.

Objective and competent evidence to support the Petitioner's position was lacking.

First, the Panel concludes that the evidence that the Petitioner's conduct was attributable to untreated ADHD was insufficient. Petitioner testified that he was diagnosed with untreated ADHD by therapist Erin Donahue and that he was in therapy with Ms. Donahue regularly for seven years and intermittently for an additional three years. Ms. Donahue was in the best position to testify about the diagnosis. In view of the duration of her experience with the Petitioner, she might have been able to render a professional opinion about changes in his thinking and attitude, as well as the effects of medication.

Ms. Donahue was not called as a witness because, as the Petitioner explained, she was undertaking a lengthy journey abroad. But the reinstatement hearing was conducted remotely, and Ms. Donahue could have testified, even making allowance for time-zone differentials, from virtually anywhere in the world. Alternatively, had the Petitioner contacted her before she was about to embark, he could have preserved her testimony by means of a deposition.

Petitioner did present testimony from another therapist, Johannah Cacio, who also performed the pre-hearing mental health evaluation required by the

March 2018 order. The Panel finds Ms. Cacio's testimony unconvincing for the following reasons. Ms. Cacio spent only one hour with the Petitioner in arriving at her evaluation. The evaluation was based upon a four-page letter authored by Ms. Donahue, the Petitioner's self-report, and her own observations.

According to her testimony, Ms. Cacio never specifically diagnosed the Petitioner with ADHD. Rather, she depended on the diagnosis made by Ms. Donahue. And in so-doing, she relied on the "general findings" in Ms. Donahue's letter. Similarly, she did not independently evaluate the Petitioner's grief disorder. As such, Ms. Cacio's opinion must be taken with a measure of skepticism.

Furthermore, Ms. Cacio's testimony could not be adequately addressed on cross-examination because she was unable to produce a copy of her written evaluation. She explained that her records were in the possession of a prior employer, and she did not have access to them. But medical records are controlled by the patient. *See, Castle v. Sherburne Corp.* 141 Vt. 157, 166 (1982) (patient had the ability to obtain her records). The Petitioner could have easily obtained a copy of his records for her use.

Ms. Cacio attributed the Petitioner's misconduct to untreated ADHD, but she did not directly make the connection, The following colloquy took place:

> Q: Okay. You're not offering an opinion here today about the cause or causes of Mr. Robinson engaging in sexual harassment or sexual relationship with a client, are you?
>
> A: No. Honestly, just that it makes sense that if he had untreated ADHD at the time that it happened, that it would make sense that he would have poor

> impulse control and, you know, have poor behavioral judgment in general. That's very characteristic of the diagnosis.

Tr. 74.

Ms. Cacio opined that the likelihood of Petitioner engaging in sexual misconduct in the future is "very, very slim." That's because he is well medicated and engaging in regular therapy. "So both of these highlight that he is making good choices for himself." However, Ms. Cacio could not testify about the number of times she had seen the Petitioner after the initial session in November 2024, again because she did not have access to her records.

In addition to his own testimony and the testimony of Ms. Cacio, the Petitioner presented testimony from Attorney Jody Frey and from his stepfather, retired attorney M. Jerome Diamond. Ms. Frey testified that since she first met him in 2012, he appears to be less impulsive and more thoughtful. She also testified that since she became his paralegal and later his employer, she had not experienced or observed any behavior that she found disturbing or that made her feel uncomfortable. Mr. Diamond testified that he believed the Petitioner's conduct had changed since he began therapy and medication.

The weakness of the testimonies of Ms. Frey and Mr. Diamond is twofold. Ms. Frey is a friend of Petitioner's as well as his employer. Mr. Diamond has been the father-figure in Petitioner's life for almost 50 years. They are very close. Both witnesses have an inherent bias, a tendency to view the Petitioner favorably. It

would have been far more convincing if the Petitioner had presented testimony from disinterested witnesses.

Second, Petitioner's witnesses did not present any concrete examples demonstrating how his mental processes or his conduct had actually changed. The Petitioner himself also spoke in generalities. Neither Ms. Frey nor Mr. Diamond gave specific examples of changes they observed in Petitioner's mental health as it related to his work or changes in his conduct.

B. Failure to recognize attorney conflicts of interest and other ethical issues.

1. Petitioner's understanding of the situation.

Although the Petitioner's relationships with vulnerable woman were the precipitating events that led to misconduct charges against him, (except for Rule 8.4(g) violation,) he was not charged with sexual misconduct as such. Rather, violation of Rule 1.7 concerned the Petitioner's failure to avoid an inherent conflict of interest, i.e., conducting a sexual relationship with a client when representing her in a divorce. Violation of Rule 4.3 also involved a conflict of interest with a divorce client. Petitioner attempted to avoid the conflict issue by inducing the woman to sign a broad waiver. When he did so, he failed to inform the client about his own interest in the waiver agreement and failed to advise her to seek independent legal counsel. He was also charged, in violation of Rule 8.4(g), that the waiver constituted *quid pro quo* sexual harassment.

The Petitioner offered no specific evidence regarding the conflict of interest issues underlying the violations. He testified at some length about how imbalanced relationships had to be avoided, but he presented no evidence about his recognition and understanding of conflict of interest situations.

2. Evidence that Petitioner has made the necessary changes.

Since he did not recognize the conflict of interest issue, Petitioner did not present any specific evidence regarding changes he has made to address his deficiencies. He and Ms. Frey testified that in her office they are very sensitive to ethical issues, that they are on the lookout for them, and that they discuss them. But neither testified about office protocols being in place to guard against ethical issues, and how ethical issues are identified and resolved.

III. Competence to Practice Law.

As noted, in a proceeding in which a petitioner is seeking reinstatement to the bar after suspension or disbarment, "the respondent-attorney shall have the burden of demonstrating by clear and convincing evidence that the respondent has the moral qualifications, competency, and learning required for admission to practice law in the state, ..." A.O. 9, Rule 26 D.

The Petitioner has been disbarred for over six years. There have been many changes in Vermont law and practice during that time. The Petitioner offered no evidence that he is cognizant of the changes and is presently competent to practice law.

ORDER

For the reasons set forth above, the Petitioner's motion for reinstatement is *denied.*

Dated at Montpelier, Vermont this 8th day of September 2025,

Shannon E. Lamb, Esq., Chair

Jordana M. Levine, Esq.

William Jakubowski, Public Member