

three five-year prison terms and three 20-year sentences, to be served concurrently.

ly appealed and the sentence was stayed, allowing him to go free on bail.

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Witness protection program gets zero funding

Worried DAs told money will be made available

By David E. Frank

david.frank@lawyersweekly.com

With a significant rise in the number of witness protection petitions filed in the past 12 months, news that the program has not been funded for the current fiscal year has some of the state's district attorneys concerned.

Enacted with much fanfare in March 2006 by then-Gov. Mitt Romney, Chapter 263A created the commonwealth's first witness protection program, which allowed the attorney general and all 11 DAs to apply for money whenever a "critical" witness's participation in a criminal case "placed them in danger."

Given that \$1.5 million was allocated for use during the program's first 13 months, the decision to discontinue funding for fiscal year 2009 has caught many off guard.

"I am concerned and surprised," said Bristol County District Attorney C. Samuel Sutter Jr., who filed 23 witness protection petitions since July 2007, the second highest in the state (see sidebar, page 25). "This has been an enormously important tool for our

prosecutors, and the simple fact is that it's not easy to find the money somewhere else."

With approximately \$350,000 still available from last year's allocation, legislators and officials at the Executive Office of Public Safety, which oversees the program, say there is plenty of money available.

But when the \$350,000 dries up, prosecutors seeking to provide relocation, housing and other services to at-risk witnesses involved in court proceedings face the uncertain proposition of requesting additional money under a supplemental budget.

As a growing number of DAs' offices join Suffolk County — which leads the pack with 33 petitions filed since July 2007 — in taking advantage of the program, victims advocates say it is likely that more money, not less, will be needed this year.

'Great concerns'

Although Suffolk County DA Daniel F. Conley blamed the tough economy, not lawmakers, for the program's zero-funding, he said that reliance on a supplemental budget will be problematic.

"My strong preference would be that every July the funds be replenished to a level commensurate with the need to protect citizens,

and, yes, I am concerned that the program wasn't funded this year," he said. "But I'm at least content at the moment that the Legislature permitted a carry-over of funds."

With the Suffolk DA's Office responsible for more than half of the 145 petitions filed since the program started, it stands to reason Conley's cases will be most impacted.



SUTTER

"It's vitally important that we have enough money there at all times so that we're prepared in the event that we have a rash of homicides, shootings or some other incident where a large number of people are willing to come forward and participate as witnesses in criminal cases," he said. "The program has been enormously successful, so if it ever came to the point where it had to shut down because of lack of funding, that would certainly have a negative ripple effect within the communities we serve."

As a member of the Witness Protection Board, which processes petitions under the direction of EOPS, Conley said he expects the Legislature to respond positively in the event that a supplemental budget is necessary.

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the cost of resolving any dispute between the client and the discharged lawyer over fees and expenses. Other proposed amendments speak to the client's responsibility in such a situation.

In a statement attached to the recommended changes, committee member Elizabeth N. Mulvey, a Boston trial attorney with Crowe & Mulvey (whose website states that the firm accepts cases only on a contingency-fee basis), in no uncertain terms registers her objections to two new paragraphs added to the rule by the committee.

"The proposed formulation would create 1) an entitlement to significant compensation for

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BEAUTIFUL LAWYERS (NO JOKE) —

Lawyers Weekly managed to get a sneak preview of the much-anticipated 2009 Beautiful Lawyers Calendar, which will feature 12 attorneys who reportedly embody 'the style and spirit' of the Massachusetts bar. Wendy Savage (pictured), in-house counsel at Liberty Mutual Insurance, will grace the calendar's cover. The identities of the other model-lawyers will be revealed at an official launch party on Oct. 1. Proceeds from the calendar will go toward legal-services organizations and various other charities.

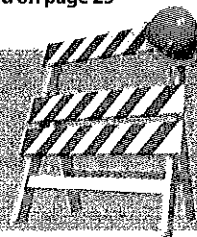


Samantha who?

A man who sues the city of Salem after his arrest at an Elizabeth Montgomery statue unveiling is unable to bewitch the jury — page 6

Buyers beware

Lawyers purchasing liability insurance should not hazard any assumptions about terms of coverage — page 21



New lease on life

After months of uncertainty, the state signs a lease for a permanent home for the Worcester law library — page 2