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Massachusetts Association of Criminal Defense Lawyers

December 13, 2007

Dear Fellow MACDL Members,

As the year-end approaches, I want to wish you and your families a happy and a healthy New Year. It has been an exciting year at MACDL, and I feel we can be proud of everything we have accomplished. Nevertheless, there is still much more to do.

The Annual Winter meeting on December 11th was a great success. Over 125 members attended. We posthumously honored long-time criminal defense attorney John Wall. Joe Balliro and Norman Zalkind spoke eloquently about John's dedication as a lawyer, his loyalty as a friend, and devotion as a husband. His widow, Jane, was presented with the Balliro award.

Former MACDL board member and current Superior Court Judge Kenneth Fishman spoke about his experiences as a judge over the past five years. As expected he was entertaining, engaging and informative.

One critical observation about the meeting was the lack of young lawyers actively involved in our organization. Looking over the audience was like looking at the Who's Who of the criminal defense bar. The best and the brightest were in attendance, yet there were very few bar advocates and others who could greatly benefit from interacting with our members. It goes without saying that if we are to survive and be relevant, we must ensure that we attract up and coming lawyers.

To that end, the Board of Directors recently lowered introductory dues to \$50 per year for the first three years. This entitles the member to all benefits, including representation by the Strike Force if the member is being charged with contempt or something related to their zealous advocacy. This "insurance policy", alone, should be enough to encourage someone to join. Add in the other benefits of MACDL and it is a no brainer.

Our goal is to increase membership by 20%. Membership applications can be found on our website at www.macdl.com. Check out the site as well for postings of current events, important pleadings and links to other sites of importance. Please pass this information on to your local bar advocate programs and anyone else that might be interested in joining the premiere bar association that dedicates itself solely to the issues of concern to criminal defense attorneys.

Over the past several months we have been very actively working towards important legislative goals. First and foremost is sentencing reform. MACDL has teamed up with the Mass. Bar Association and the Boston Bar Association to push legislation aimed at eliminating draconian mandatory minimum sentencing. I have spoken with the representatives from the Mass. District Attorneys Association on several occasions in hopes of reaching some fundamental and

meaningful changes in the way defendants are sentenced in our state. I am strongly encouraged by these conversations. Again, please check our website for the testimony which was presented to the Judiciary Committee. Marty Rosenthal continues to work tirelessly for us. He is asking for your support by calling legislators on the Judiciary Committee.

I, along with other MACDL members, including Bill Leahy, testified against several bills proposing reinstatement of the death penalty. Based upon the hearing, it seems highly improbable any of the bills will go anywhere.

We also recently joined in an amicus brief on a request for a writ of certiorari to the United States Supreme Court. The brief can be found on the web site, as well. In essence the issue is whether under Confrontation Clause as interpreted in Crawford, self-authenticating forensic reports are admissible without live testimony. For example, are drug and ballistic reports admissible without bringing in the chemist or ballistics expert? The brief is extraordinarily well done and is very informative. If you are raising this issue in a state or federal case I encourage you to read it.

MACDL also will be holding two advanced educational programs this spring that will only be open to members. One is Steve Maidman's Advanced Post-Conviction Litigation Skills seminar. This has been sold out in the past, so please register early when the program opens up.

The other program will be an Advanced OUI program chaired by Steve Jones. This program will deal with sophisticated issues surrounding field-testing and breath testing. It promises to be unlike anything offered by MCLE.

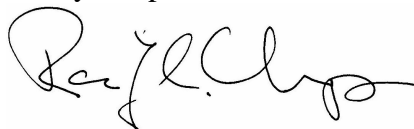
MACDL also has entered into an agreement with MCLE to cosponsor programs. This means that as a MACDL member you will be entitled to reduced rates at certain seminars.

Finally, I want to acknowledge the hard work of all our members who responded so quickly when our former governor decided to attack a member of the Massachusetts judiciary for simply following the law when she reduced an excessively high bail. We all recognize the importance of an independent judiciary. Our immediate response to this "crisis" was informed, measured, and appropriate. Our position paper, the transcript of the bail hearing and Lawyer's Weekly's acknowledgement of our fine work can be found on our website, as well. I encourage you to review it.

Again, have a happy, healthy and safe New Year. Let us know if there is anything we can do for you, and please encourage young (and older) lawyers to join us.

Sincerely,

Randy Chapman

A handwritten signature in black ink, appearing to read "Randy Chapman". The signature is fluid and cursive, with the first name "Randy" being more prominent than the last name "Chapman".

President