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Hashimoto Named to SJC Committee

3/22/04—Boston College Law School professor Dean Hashimoto has been named to the recently formed Massachusetts’ Supreme Judicial Court Committee to study and suggest alternatives to the current procedure that must be followed if a defendant in a criminal case seeks access to documents that may be protected by a statutory privilege.

The current procedure, or protocol, was established in Commonwealth v. Bishop, 416 Mass. 169 (1993) and modified in Commonwealth v. Fuller, 423 Mass. 216 (1996). The Court established the protocol in an effort to strike the proper balance between defendants' constitutional rights to examine and present all evidence relevant to their defense and society's interests, expressed in the form of statutory privileges, in protecting confidential relationships. The Committee will make recommendations to the Court as to whether the protocol should be retained in its present form, or revised in whole or in part. The Committee will make its recommendations to the Court within a matter of months.

Associate Justice Martha B. Sosman will chair the Committee. The members include representatives of those with a role in the protocol: judges, prosecutors, defense counsel, victim/witness advocates, health care providers, and the Department of Social Services. A list of members is attached.

Committee to Study the Bishop/Fuller Protocol
Martha B. Sosman, chair
Carol A. Donovan, Committee for Public Counsel Services
Janet E. Fine, Executive Director, Massachusetts Office for Victim Assistance
Honorable Daniel A. Ford, Associate Justice, Superior Court
Marguerite T. Grant, Middlesex District Attorney's Office
Dean M. Hashimoto, M.D., Associate Professor, Boston College Law School
Thomas M. Hoopes, Kelly, Libby and Hoopes, PC
Honorable R. Marc Kantrowitz, Associate Justice, Massachusetts Appeals Court
Honorable Diane M. Kottmyer, Associate Justice, Superior Court
Virginia A. Peel, General Counsel, Department of Social Services
Susan H. Vickers, Founding Director, Victim Rights Law Center
Carolyn V. Wood, Legal Counsel, Partners HealthCare Systems, Inc.