

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

At the Supreme Judicial Court holden at Boston within and for said Commonwealth on the thirtieth day of November, in the year two thousand seven:
present

<u>Hon. Margaret H. Marshall</u>)	Chief Justice
<u>Hon. John M. Greaney</u>)	
<u>Hon. Roderick L. Ireland</u>)	
<u>Hon. Francis X. Spina</u>)	Justices
<u>Hon. Judith A. Cowin</u>)	
<u>Hon. Robert J. Cordy</u>)	
<u>Hon. Margot Botsford</u>)	

In Re: Order dated December 29, 2006 entered in
Commonwealth v. Dwyer, 448 Mass. 122 (2006)

In an Order entered on December 29, 2006, this Court approved five model notices and orders for use in all criminal cases in which a defendant seeks pretrial inspection of records of third parties that may be statutorily privileged. The Court also invited the Standing Advisory Committee (committee) on the Rules of Criminal Procedure to review the model forms and to propose any revisions to them.

On consideration of the committee's recommendations, it is hereby ORDERED that the five model notices and forms approved on December 29, 2006 are superseded and replaced by the six forms attached to the Order, titled as follows:

1. Notice of a Hearing Regarding the Release of Records [to replace form titled "Commonwealth's Notice Accompanying Summons to Record Holder and Third-Party Subject of Hearing on Defendant's Motion Under Rule 17(a)(2) of the Massachusetts Rules of Criminal Procedure, 378 Mass. 885 (1979)"];
2. Notice Accompanying Court-Ordered Summons for Non-Privileged Records [to replace form titled "Notice Accompanying Summons to Keeper of Records"];
3. Notice Accompanying Court-Ordered Summons for Presumptively Privileged Records [to replace form titled "Notice Accompanying Summons to Keeper of Records"];
4. Protective Order for Defense Counsel [to replace form titled "Protective Order for Defense Counsel" issued on December 29, 2006]
5. Order Allowing Access to Privileged Records by Persons Other than Counsel [to replace form titled "Order Allowing Access to Privileged Documents by Persons Other than Defense Counsel" issued on December 29, 2006]
6. Protective Order for Prosecuting Attorney [new form]

The content of the forms may not be altered without the prior approval of the Supreme Judicial Court. The Court may from time to time amend these forms upon recommendation of the committee or otherwise.

Entered: November 30, 2007

Hon. Margaret H. Marshall _____, Chief Justice
Hon. John M. Greaney _____)
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Hon. Roderick L. Ireland _____)
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Hon. Francis X. Spina _____) Justices
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Hon. Judith A. Cowin _____)
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Hon. Robert J. Cordy _____)
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Hon. Margot Botsford _____)