

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF BAR OVERSEERS  
OF THE SUPREME JUDICIAL COURT**

<b>BAR COUNSEL,</b>	)	
<b>Petitioner</b>	)	
	)	
v.	)	<b>BBO File Nos. C1-17-00248283</b>
	)	<b>C1-17-00248284</b>
	)	<b>C1-17-00255238</b>
<b>KRIS C. FOSTER, ESQ.,</b>	)	
<b>ANNE K. KACZMAREK, ESQ., and</b>	)	
<b>JOHN C. VERNER, ESQ.</b>	)	
<b>Respondents</b>	)	

**RESPONDENT JOHN C. VERNER’S MEMORANDUM RE: SANCTIONS**

“In the nearly three years that I have worked with John, I have made the following observations. He is an exceptional lawyer. He works incredibly hard. And, he is compassionate and thoughtful with every decision he makes in some of the most violent and serious cases handled in our Commonwealth.”

– **Suffolk District Attorney Rachael Rollins**

“Ours is undoubtedly a very human legal system. That is perhaps its source of greatest vulnerability and error, while at the same time its greatest strength. What I know with confidence is we are a far, far better legal system for having the likes of John Verner among us. He is, in a word, exceptional.”

– **Attorney Robert F. Shaw, Jr.**

“When lapses inevitably happen, supervisors are often held accountable, and rightly so. But each such situation is an opportunity to learn and improve, and I have no doubt that John will emerge from this experience as both a better attorney and a stronger person.”

– **Northwestern First Assistant District Attorney Steven E. Gagne**

“Prosecutorial misconduct and anything that puts a finger on the scale of justice is intolerable. My career has and will center on indigent defense and representing the most vulnerable populations. I wish all the prosecutors I worked with had John Verner’s integrity, compassion and foresight.”

– **Attorney Kelli Porges**

“The John Verner that I know possesses deep integrity, leadership, judgment, fairness, empathy, and commitment to public service.”

– **Former Suffolk District Attorney Daniel F. Conley**

“I have never come across a prosecutor with a greater sense of fundamental fairness and professional ethics than Mr. Verner. He has always understood that a prosecutor has great power in the criminal justice system but that the function of a prosecutor is not to simply secure convictions but to ensure that a criminal defendant’s constitutional rights are protected.”

– **Attorney Robert J. Wheeler**

“John’s character, his empathy, and his capacity to build his skills in pursuit of the public interest make him a valued member of any team. I know he was a valued member of mine.”

– **Former Attorney General Martha Coakley**

These are just a handful of excerpts from the **40** letters of support that speak to John Verner’s character and fitness in the practice of law. The letters are attached to this memorandum. See **Exhibit A** –Letters of Support.

## **I. Introduction**

Following 23 days of hearing, the Special Hearing Officer (“SHO”) issued a Hearing Report on July 9, 2021 (“Hearing Report”). In the Hearing Report, the SHO found that the Office of Bar Counsel (“Bar Counsel”) proved two of the twelve violations of the Rules of Professional Conduct (“Rules”) that it lodged against Respondent John Verner (“Verner”). The SHO found that Verner failed to exercise diligence in 2013 when he did not ensure that Anne Kaczmarek (“Kaczmarek”), a subordinate lawyer, disclosed potentially exculpatory evidence, and, thus, violated Rules 1.3 and 5.1(b). Final Report, ¶ 148.

Significantly, the SHO found no intentional violations of the Rules by Verner. The SHO found that Verner’s “expectation that Kaczmarek would turn over all exculpatory evidence was reasonable[.]” Hearing Report, ¶ 94, and that Kaczmarek “actively misled others in the AGO as to what had been produced to the [District Attorneys].” Hearing Report, ¶ 117. The SHO found that Verner lacked diligence in supervising Kaczmarek on the Farak disclosures to the District Attorneys. That said, throughout his findings, the SHO also approved of many of Verner’s decisions and actions, and credited his testimony.

There is no good reason to suspend Verner from the practice of law. After receiving Luke Ryan’s (“Ryan”) letter revealing the existence of non-disclosed exculpatory evidence, Verner testified:

“I felt like we let a lot of people down. When I say we, I mean the office. I mean me, Dean, Anne, Kris, Randy, Sue. We didn’t do our job. You know, our job was to do the right thing and to – our job was to do justice and that did not happen. And, you know, I was the Bureau Chief and, you know, Mr. Rose, you will decide if there are sanctions or not and that’s fine, but I’ve thought about this every day for six years[.]” Tr. 12, p. 232.

Verner has learned from his oversight of the Farak matter.

Notwithstanding the considerable time that the SHO committed to this case, there is so

much more to John Verner as a professional. The SHO should consider his full body of work in mitigation and in consideration of the goal of disciplinary sanctions: public protection. The dozens of letters accompanying this memorandum describe an attorney with deep integrity, strong character and fitness to practice law. See Exhibit A.

The facts underlying the two violations took place in 2013. In the eight years since then, including while this matter was ongoing, Verner performed exceptional legal work on behalf of the Commonwealth. While still at the AGO, he worked with the Suffolk County District Attorney's Office to help conclusively prove that Albert DeSalvo, the so-called Boston Strangler, murdered Mary Sullivan using cutting edge forensics. Tr 12, p. 50-51. Then in 2016, Verner joined the Suffolk County District Attorney's Office to oversee aged, or so-called "cold case" homicide investigations under former District Attorney Conley. He continues to lead a program created by District Attorney Rachael Rollins ("DA Rollins") called PUSH (Project for Unsolved Suffolk Homicides), in which Verner "trains staff on how to review a homicide file and then oversees dozens of those reviews at a given time." Exhibit A, DA Rollins letter. Verner also maintains a large caseload of indicted homicide cases. In his current role, Verner is "one of a small handful of seasoned attorneys in the office" that presents "police officer involved shootings and excessive force allegations" to DA Rollins' Discharge Integrity Team. Id.

Furthermore, the violations that the SHO found must be placed in the context of similar cases and rule violations. It may rightfully be argued that there is no case like this one, but these are not the first unintentional violations of Rules 1.3 and 5.1(b). Our research has yielded no case in which an attorney violating either rule has received a more severe sanction than a public reprimand absent other significant rule violations, evidence of a pattern of conduct, and/or a history of professional discipline. Verner has an otherwise immaculate professional record.



There was no pattern of misconduct and no aggravating factors.

Even before considering mitigating factors, based on the unintentional rule violations and sanctions in similar cases, a sanction of a public reprimand is appropriate. This conclusion is reinforced by the lack of any aggravating factors and the presence of important mitigating factors. As the SHO will learn in more detail below, Verner has stood willing to accept responsibility and a public reprimand for nearly two years. That remains true today. A sanction no more severe than a public reprimand is warranted to protect the public.<sup>1</sup>

“The right to practise law is not one of the inherent rights of every citizen, as is the right to carry on an ordinary trade or business. It is a peculiar privilege granted and continued only to those who demonstrate special fitness in intellectual attainment and in moral character.” In re Keenan, 314 Mass. 544, 546 (1943). Notwithstanding the two Rule violations that the SHO found – as well as the facts that underlie them – the totality of the circumstances demonstrate that Verner continues to possess “special fitness in intellectual attainment and in moral character” required of attorneys in Massachusetts. The way that Verner testified – both his words and his demeanor – show he is both fit and moral. The dozens of letters of support accompanying this memorandum reinforce this conclusion.

The SHO should consider several factors in mitigation, which are outlined herein. Those factors should include Kaczmarek’s actions. The SHO found that Kaczmarek’s misleading actions led Verner to conclude that all was well, when in fact, she had not followed his directives. The SHO should credit this and other factors in mitigation of the disciplinary sanctions that he will recommend to the Board of Bar Overseers (“Board”).

The amount of time that has passed and the excellent work that Verner has performed

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<sup>1</sup> In light of the mitigation in this case, the sanction should be a private admonition. Given the extensive publicity in this case, that sanction would be of little value. Consequently, a public reprimand is appropriate.

before, during and after his tenure in the AGO, leads to the conclusion that the public requires no protection from Verner, and the public would only be harmed if he were suspended from the practice of law for any period.

## **II. Summary of Relevant Findings**

The SHO concluded that, “Bar Counsel has proved violations of Rules 1.3 and 5.1(b). The failure to disclose potentially exculpatory evidence happened on Verner’s watch, due at least in part to Verner’s failure adequately and diligently to supervise Kaczmarek and follow up with her.” Hearing Report, ¶ 148. “His expectation that Kaczmarek would turn over all exculpatory information was reasonable, but as her supervisor, he had a duty to follow up.” Hearing Report, ¶ 94.<sup>2</sup>

Throughout the Hearing Report, the SHO commented positively on Verner’s testimony and actions he undertook or guided the AGO to undertake. Those comments are excerpted below.

The AGO’s approach in the Dookhan case had been a policy decision “to turn over all of our discoverable information, and what I mean by discoverable, obviously not work product or mental impressions but we were going to turn over everything, police reports, lab reports, interviews, whatever came from that investigation that we had or produced was going to go to the DA’s offices. Whether it was exculpatory or not . . . [t]hey were going to get everything.” Tr. 12, p. 71 (Verner). Verner understood that Dookhan’s admissions to misconduct were clearly exculpatory. See Tr. 12, p. 69-70 (Verner).

Hearing Report, ¶ 32.

I do not credit that Kaczmarek, an experienced prosecutor, failed to realize that this evidence was potentially exculpatory for Farak defendants, both to widen Farak’s range of drug abuse and to lengthen substantially the tampering time period. Verner certainly did. Tr. 13, p. 169-171 (Verner) (pill discrepancy “was

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<sup>2</sup> The SHO found that Kaczmarek “actively misled” Verner and others in the AGO. Hearing Report, ¶ 117. As argued later in this memorandum, Verner contends that this is a mitigating factor. Verner nevertheless recognizes and respects the SHO’s finding and does not wish to use this memorandum to “cast blame or aspersions on others.” In the Matter of Ablitt, 486 Mass. 1011 (2021). As he has done since the beginning of November 2014, Verner has accepted responsibility head on and faced his own errors and those occurring on his watch.

exculpatory information,” as was information suggesting tampering as early as 2005).

Hearing Report, ¶ 55.

“Verner agreed that Farak’s positive drug test result was exculpatory evidence.” Tr. 12, p. 45. Hearing Report, ¶ 59.

“Verner understood ‘in [his] core that as a prosecutor we had a responsibility to fairness and to justice to turn this stuff over.’” Tr. 12, p. 114-115 (Verner).

Hearing Report, ¶ 90.

The disclosure of potentially exculpatory evidence was particularly important. Verner described the office culture well in this regard, stating: “[I]f you’re having more than a 30-second conversation about it, it needs to be turned over... [Y]ou turn everything over. You give discovery. You do not hold back discovery. Do not hold back exculpatory evidence.” Tr. 11, p. 239 (Verner).

Hearing Report, ¶ 117.

Analyzing the proffer decision, the SHO said, “I credit Verner’s explanation. I credit that a state prison sentence was important to the AGO. See Ex. 30, 31 (KfV00259). I do not find unreasonable its calculation and conclusion about what it would have had to give up versus what it would have obtained from Farak in return.” Hearing Report, ¶ 264.

The AGO, to its credit, had made an institutional decision that its continuing legal obligation was to produce to the DAOs potentially exculpatory information. Kaczmarek violated that obligation on numerous occasions. She also misled others in her office, failed to correct Ballou’s inaccurate and misleading statements, and avoided learning anything more about the extent of Farak’s misconduct than was needed to obtain an indictment.

Hearing Report, ¶ 293.

“The AGO ultimately assented to the motion to inspect physical evidence, filed by Ryan on behalf of his client Burston, and Foster and Devlin signed the motion on the AGO’s behalf.” Ex. 96. Hearing Report, ¶ 327. Verner ordered this action and Foster and Devlin carried it out.

As the SHO knows, this led Ryan to discover the mental health worksheets.

Verner himself, to make sure “there [was] nothing else,” went to the area of EMC where the Farak material was stored, and went through it himself. Tr. 13, p. 22-23 (Verner). He found additional paperwork, and asked that it be turned over. Tr. 13, p. 23 (Verner).

Hearing Report, ¶ 340.

“I find that Verner acted appropriately upon learning that exculpatory information had not been produced.” Hearing Report, ¶ 343.

Verner operated without a deputy during the time that the SHO concluded that Verner’s rule violations occurred. Hearing Report, ¶ 5. The SHO concluded further that “working without a deputy had been difficult.” Verner had a “massive job.” Hearing Report, ¶ 6.

In addition to finding two violations, the SHO did not credit Verner’s testimony that he did not look at the attachments to the email dated February 14, 2013. Hearing Report, ¶ 72. As he must, Verner accepts the SHO’s finding. Notwithstanding this conclusion, it is critical to point out that Verner gained no mileage in this case by denying that he opened the attachments. He has long acknowledged knowing that Farak made admissions during “the indictment process before the pros memo or at the pros memo time.” Ex. 156, p. 120-121. In other words, before Judge Carey and the SHO, Verner admitted he knew the substance of what was contained in the attachment: admissions. The content of the prosecution memorandum and his notes on it likewise demonstrate that Verner knew that the admissions were made in the mental health context. Ex. 176. Verner testified twice that he spoke about these admissions with Kaczmarek prior to the conclusion of the grand jury presentation, and that they were clearly exculpatory. Ex. 156, p. 133-134; Tr. 12, p. 127-138 (including questioning by SHO).

Judge Carey also heard this testimony and concluded that Verner was a “committed and principled public servant[.]” Commonwealth v. Cotto, 2017 Mass. Super. LEXIS 129, \*178

(2017). Verner urges the SHO to draw the same conclusion.<sup>3</sup>

### **III. Standard for Imposing Sanctions**

“Each case must be decided on its own merits and every offending attorney must receive the disposition most appropriate in the circumstances.” In re Discipline of an Attorney, 392 Mass. 827, 837 (1984). “We must consider what measure of discipline is necessary to protect the public and deter other attorneys from the same behavior.” In re Concemi, 422 Mass. 326, 329 (1996). “In determining whether the sanction imposed by the Board is appropriate, we generally consider whether the Board’s recommendation is ‘markedly disparate’ from the sanction imposed in other similar cases.” In re Murray, 455 Mass. 872, 882-883 (2010). The Supreme Judicial Court recognizes and finds support for its disciplinary sanctions in the American Bar Association’s Standards for Imposing Lawyer Sanctions. In re Griffith, 440 Mass. 500, 509 (2003).

According to the ABA’s Annotated Standards for Imposing Lawyer Sanctions, a “reprimand is generally appropriate when a lawyer in an official or governmental position negligently fails to follow proper procedures or rules, and causes injury or potential injury to a party or to the integrity of the legal process.” Id., ABA Standard 5.23, p. 127. “Reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system.” Id., ABA Standard 7.3, p. 188. “A reprimand is appropriate under Standard 7.3 when a lawyer’s mental state at the time of the misconduct is negligent, as opposed to intentional or knowing.” Id., p. 188.

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<sup>3</sup> The SHO did not conclude that Verner lacked candor. Contrast In the Matter of Zankowski, 487 Mass. 140, 153 (2021) (hearing committee weighed in aggravation that the respondent “testified evasively and demonstrated a lack of candor in her testimony[.]”).

**a. Supervision**

Likewise, according to Massachusetts Bar Discipline: History, Practice, and Procedure, “lesser sanctions are imposed when a lawyer’s failure to supervise a subordinate did not result in harm or was not a pattern of misconduct.” *Id.*, p. 329.

Although at root, Farak’s crimes and later Kaczmarek’s misleading conduct caused the greatest harm to Farak defendants, it is unreasonable to argue that Verner’s violations of Rules 1.3 and 5.1(b) did not contribute to the harm. However, it is uncontroverted that Verner’s lack of diligence in ensuring that Kaczmarek disclosed all potentially exculpatory evidence to the District Attorneys was isolated. Overall, Verner employed redundant office systems like prosecution memoranda, layers of approval, emails, search warrant review, meetings, and casework supervision. The evidence showed he helped create and implement the system for making disclosures to the District Attorneys; he did not remain aloof from the Farak case, but dug in when he believed it necessary, particularly early on and around the time of the hearings before Judge Kinder. In other words, there was no pattern of misconduct.

A review of supervision cases inside and outside of Massachusetts demonstrate that Verner’s violations warrant no more than a public reprimand.

**b. Diligence**

According to the Massachusetts Bar Discipline: History, Practice, and Procedure, “[a] public reprimand is generally appropriate when a lawyer fails to act with reasonable diligence in representing a client or otherwise neglects a legal matter, and the lawyer’s misconduct causes serious injury or potentially serious injury to a client.” Citing, *In the Matter of Kane*, 13 Mass. Att’y Disc. R. 321, 327-328 (1997). “By contrast, suspension is appropriate where a lawyer has not only neglected a legal matter, but has engaged in ‘repeated failures to act with reasonable

diligence' or 'a pattern of neglect' that causes serious injury or potential injury to a client. In the Matter of Finn, 36 Mass. Att'y Disc. R. 175 (2020), citing In the Matter of Kane, 13 Mass Att'y Disc. R. at 327-327.

In Matter of Finn:

[T]he respondent failed to timely serve the defendant, which initially resulted in the dismissal of his client's case. After the dismissal was vacated, the respondent repeatedly sought to reschedule the initial damages hearing, resulting in a postponement of nearly eight months. He later went on to seek four continuances of the second damages hearing, while failing in the interim to obtain the documentation requested by the court or to seek an attachment on the defendant's property prior to its sale. When the second damages hearing was finally held, close to two years after the defendant's default, the respondent did not appear or ask another attorney to file an appearance. This misconduct resulted in the dismissal of the client's case nearly two years after the defendant's default. Moreover, because the respondent failed to inform the client of the case's dismissal, the client did not learn that her case had been dismissed until over one year later, when she checked the case docket herself. Under these circumstances, the misconduct would warrant, at minimum, a public reprimand.

36 Mass. Att'y Disc. R. 175, citing Matter of Kirwan, 34 Mass. Att'y Disc. R. 223 (2018) (public reprimand for respondent's failure to file interrogatories or timely file opposition to motion to dismiss, and failure to appear for court hearing that resulted in dismissal of case). See Matter of Marciello, 21 Mass. Att'y Disc. R. 451 (2005) (public reprimand where respondent failed to keep client reasonably informed and also failed to file appearance, respond to discovery requests, act promptly to reinstate dismissed case, or comply with court rules in filing motion).

In Matter of Finn, there were aggravating circumstances, including a prior suspension in another jurisdiction and refusal to cooperate with Bar Counsel or participate in disciplinary proceedings, which led the single justice to impose a six-month suspension. 36 Mass. Att'y Disc. R. 175.

In Matter of Kenney, the Board issued a public reprimand against the respondent for

failing to update his client on the dismissal of a lawsuit in violation of Rule 1.4(a)(3), and failure to file a second lawsuit that he had agreed to file on behalf of a client, and then lying to the client saying that the suit was in fact filed and progressing, providing false case updates in violation of Rules 1.2(a), 1.3 (diligence), 1.4(a)(3), 1.4(b), 8.4(c), and 8.4(h). The facts set forth harm to the client. There was no mitigation discussed in the summary that accompanied the order of public reprimand. 37 Mass Att’y Disc. R. \_\_\_ (2021).

The recent decision in Matter of Kenney reflects that even with intentional deceit, harm to the client and no mitigation, an attorney violating Rule 1.3, among other Rules, warrants a public reprimand. Here, Verner engaged in no deceit and there is substantial mitigation. Again, lack of diligence under these circumstances should be sanctioned with no more than a public reprimand.

#### **IV. Mitigation**

##### **a. Prompt Remedy**

In cases where neglect of a client’s case would have led to a financial loss, restitution of the loss or other prompt repair of the damage or prevention of potential damage by the respondent has mitigated the sanction that the attorney faced. See, e.g., Matter of Kydd, 25 Mass. Att’y Disc. R. 341 (2009) (outright suspension not appropriate for failing to act diligently and promptly in carrying out duties as executor where the respondent's misconduct was due to lack of experience and did not result in harm to estate beneficiaries); Matter of Feeney, 24 Mass. Att’y Disc. R. 271 (2008) (public reprimand conditioned on obtaining malpractice insurance for the respondent's failure to timely file suit and failure to adequately communicate with client where the respondent had made full restitution to client from personal funds and had no prior disciplinary violations); Matter of Marciello, 21 Mass. Att’y Disc. R. 451 (2005) (public



reprimand for neglect where the respondent was overburdened due to abrupt departure of another lawyer, and the respondent offered to pay reasonable compensation for client's losses); Matter of Norton, 19 Mass. Att'y Disc. R. 333 (2003) (public reprimand for failing to timely file will and failing to timely carry out duties as executor where there was no harm to life beneficiary, and the respondent took steps to conduct practice in more efficient matter).

Although imperfect comparisons, Verner's actions in November of 2014 to remedy the failure to disclose the mental health worksheets and other potentially exculpatory evidence are akin to the mitigating actions of the attorneys in Matter of Kydd, Matter of Feeney, Matter of Marciello, and Matter of Norton in representation of clients in private practice. In the only way he could, Verner provided Ryan and later the District Attorneys the information to which they were entitled in an effort to make Farak defendants whole.

**b. Insight**

**i. Accepting Responsibility**

“Verner admitted before me the obvious: the AGO did not get exculpatory information out to the DAOs in a timely manner.” Tr. 13, p. 179 (Verner). Hearing Report, ¶ 341.

As mentioned above, Verner has been ready to accept responsibility for his actions in connection with his oversight of the Farak case. Indeed, he and Bar Counsel jointly proposed a stipulation to the violations and so much of the facts contained in the petition for discipline that proved negligence and accept a public reprimand. See notices of Board votes dated December 9, 2019 (preliminary), and January 13, 2020 (final), which are attached as **Exhibit B**. The Board made “final determination to reject the stipulation of the parties because the parties’ recommended sanction and their rationale for it are inconsistent with the facts as alleged in the Petition for Discipline and as admitted in the stipulation as to the Respondent’s activities,

involvement, and state of mind in the underlying case.” This was based on the twelve alleged Rule violations. As the SHO knows, Bar Counsel only proved two. At the time, the Board was bound by the allegations contained in the Petition for Discipline. After 23 days of hearing, Bar Counsel ultimately could not prove most of its case, which alleged a greater direct connection between Verner and the nondisclosure of exculpatory information than the facts found by the SHO revealed.

Verner was willing to stipulate to more than what Bar Counsel could ultimately prove. This demonstrates Verner’s insight into the significance of the failures at the AGO on his watch and his contribution to it. It also reflects his remorse and how seriously he takes this case. Surely all this came across in Verner’s words and demeanor during the hearing. When attorneys in bar discipline proceedings lack insight, candor, and remorse, these factors aggravate the offense(s) and reflect an increased risk of future misconduct. See In the Matter of Hass, 477 Mass. 1015 (2017). Verner has shown deep insight, candor, and remorse, and this should appropriately serve as mitigation in recognition that there is negligible risk that Verner will again violate the Rules.

## **ii. Teaching Others**

As the SHO learned, Verner led or advocated for trainings while at the AGO, Tr. 11, p. 259; 12, p. 18-19. A list of trainings that Verner has led or participated are attached as **Exhibit C**; this list does not include many internal trainings for police or other prosecutors.

In that vein, Verner has agreed to speak to Suffolk University Law School students enrolled in the Suffolk Prosecutors Program led by Assistant Clinical Professor of Law Christina Miller during the fall of this upcoming academic year. This full-year clinical program is available only to students in their final year of law school who qualify for certification under SJC

Rule 3:03. In addition to the classroom component, each student is placed in a district or municipal court representing the Commonwealth in criminal cases under the direct supervision of an assistant district attorney in various counties throughout the Commonwealth. Professor Miller intends to ask Verner to speak to the 24 students enrolled in the class about the ethical duties of a prosecutor, the importance of detail, record-keeping obligations, communicating and coordinating with colleagues and supervisors, and the personal responsibility that each attorney has under the Rules of Professional Conduct. Verner will use the lessons he has learned from the Farak matter as a jumping off point for this presentation. Professor Miller expects Verner's presentation to constitute a significant contribution to the continuum of ethics training that her students receive.

Additionally, Verner has offered to speak to two Suffolk Law School professional responsibility classes. The first is taught by Professor Sarah J. Schendel and is scheduled for October 13, 2021. In the spring semester, Verner has agreed to speak to Professor Sarah R. Boonin's class, although the details and timing of his appearance will be worked out immediately prior to the commencement of the semester. Again, the focus of his presentations will be practical examples of obligations under the Rules and lessons from errors he has made.<sup>4</sup>

This is another example of Verner improving this profession and facing head on his errors and those of others in the AGO that occurred on his watch.

**c. Record, Reputation, and Public Service**

As the SHO has learned, Verner has a blemish-free disciplinary record, a stellar reputation, and a history of public service. Although the SJC has described the factors like absence of disciplinary history and reputation in isolation as so-called "typical" mitigation, see In

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<sup>4</sup> Attorney Hanley spoke to Professor Miller and reviewed separate correspondence between Verner and Professors Schendel and Boonin confirming the details set forth above.

re Neitlich, 423 Mass 416, 425 (1992) (the fact that “the respondent has no record of prior discipline is a typical mitigating circumstance which carries little or no weight”) (internal citations and quotations omitted), meaning they receive no appreciable weight, Verner’s record is qualitatively and quantitatively different. Other jurisdictions have found that “[w]hile a single mitigating factor in a case may not be sufficient to reduce a lawyer’s discipline, a court may find the presence of multiple mitigating factors warrants a reduced sanction.” See Annotated Standards for Imposing Lawyer Sanctions, p. 291-292, collecting cases from nine states.

First, Verner has no history of discipline since he was admitted to the bar in 2000.

Second, the SHO heard that Verner has an excellent reputation. That reputation is animated by the dozens of letters accompanying this memorandum.

During the hearing, the SHO heard descriptions of Verner. Verner’s direct supervisor at the AGO, First Assistant Attorney General Edward Bedrosian described Verner’s performance as follows:

In my experience John was an effective supervisor. The Bureau Chief position, whether it's the Criminal or Government Bureau or any of the two other bureaus, is a particularly challenging job because you're managing both up and down. You have to take care of – the Criminal Bureau is one of the larger bureaus. So you had to take care of all the people and all the assignments within the bureau and at the same time keeping in touch with Executive Bureau on matters of importance that they need to know about. So, I thought John was particularly effective at that.

Tr. 17, p. 122-123.

Dean Mazzone described Verner as a detailed-oriented manager. Tr. 6, p. 23-24.

Mazzone said that he “had an excellent working relationship with Mr. Verner.” They had “constant meetings.” Mazzone said that he considers him a friend. Mazzone found Verner to be “an excellent manager of the Criminal Bureau. I thought – it’s a tough – it’s an incredibly, incredibly demanding and tough job... I found him to be accessible to people, incredibly smart,

enthusiastic, got along well with everybody. I suppose I could go on and on. He knew the law. He knew how to try cases. He knew how to investigate cases. Still does. That's how I saw John. I saw him as a fine manager of the Bureau." Mazzone testified that Verner possessed, "Extreme – highest ethics." Mazzone testified that Verner is not someone who would ever hide evidence. Tr. 6, p. 231-234.

Ryan testified to a conversation that he had with Verner immediately following Verner's testimony before Judge Carey. "I did tell [Verner] that I believed that he did not intentionally participate in a conspiracy to suppress highly exculpatory evidence." Tr. 4, p. 27. Ryan went on to say, "[Verner] referenced his father's work as a court officer and that he kind of grew up in the courts, and that kind of – my dad was a former court officer before becoming... and a number of other positions within the court system, and so that resonated for me, and I shared that with him while we were speaking out in the hall." Tr. 4, p. 27-28. Notably, Ryan sued sixteen defendants on behalf of Rolando Penate; Verner was not one of them. Penate v. Kaczmarek, 928 F.3d 128 (1st Cir. 2019).

In addition to these and other statements lending insight into Verner that witnesses made during the hearing, many others have detailed their impressions of Verner over his years of practice. The practitioners that wrote letters of support provide multiple perspectives. They include Verner's current employer, District Attorney Rollins, and current supervisors, Edmund Zabin ("Zabin") and Mark Lee ("Lee"); Verner's prior employers, former District Attorney Daniel F. Conley ("DA Conley) and former Attorney General Martha Coakley ("AG Coakley"); more than a dozen criminal defense attorneys who have shared cases with Verner; and current and former colleagues, supervisors, and supervisees.

As detailed in her letter, DA Rollins included Verner in her leadership team and assigned

him to work on some of the most critical cases and initiatives in her administration: unsolved homicides, juvenile brain development, trying homicide cases, building relationships with victims. DA Rollins went on to say:

The Special Hearing Officer found that John failed to follow-up on a supervisee and lacked diligence in 2013. Some eight years later, in 2021, John is one of the most diligent and conscientious attorneys I have had the privilege of working with. He has humility and grace. None of us is our best or worst moment. I ask that you look at the mosaic of this man's career and recognize that he has learned from this situation. Further, I humbly suggest that the last eight years have been enough of a deterrent. Thank you for your consideration.

**Exhibit A**, DA Rollins letter.

As detailed by his immediate supervisors, Zabin and Lee, Verner is “an excellent trial attorney whose courtroom skills and mastery of legal issues sets him apart from the other attorneys in the Homicide Unit. He is a hard and diligent worker who is committed not just to the victims of homicide, but to ensuring that accountability does not come at the expense of ethics.” **Exhibit A**, Zabin & Lee letter.

Verner tried his first two Suffolk County homicide cases with Boston Police Detective Francis X. McLaughlin (“McLaughlin”) and his squad. He said, “John was 1000% committed to the case and the family of the deceased. With John Verner, it was never about a win or a loss. It was about the families who were left behind suffering. It was about compassion. It was about justice, but above all it was about a fair and just process.” **Exhibit A**, McLaughlin letter.

Verner's supporters also come from leaders of the defense bar. Attorney Robert F. Shaw, Jr. (Shaw), eloquently described Verner in the somber context of homicide cases.

Homicide cases are some of the hardest fought, most complex, high stakes cases in our criminal legal system. The tragic and heartbreaking loss of life and liberty reverberates far and wide amidst the loved ones of victims and defendants. These cases are highly emotional for all involved, and the pressures on counsel can be immense. As a participant and an observer, I have come to believe that truly fulfilling the obligations of a prosecutor in such circumstances requires an

exceedingly high level of integrity. One must have an overriding dedication to what is right and just, even when that obligation runs counter to the apparent, immediate interests of the case at hand.

I can say to you without any hesitation that in my legal career no prosecutor has fulfilled that role with greater distinction than John Verner. I worked on the opposite side of Mr. Verner in a recent, very substantial murder case for approximately three years. The case bore all the hallmarks of what makes murder cases exceedingly difficult. A beautiful young child had been killed. The evidence was vigorously contested. The case gave rise to many complex issues, resulting in pre-direct appeal litigation at all levels of our system over nearly two decades. Serious claims surrounding the failure to disclose evidence years before Mr. Verner became involved were at issue. At the time Mr. Verner took over as the lead trial prosecutor, demands for documents had been pending and disputed for years.

Mr. Verner's presence and involvement transformed the dynamic of the case. Issues brought to his attention were scrutinized in a careful, thorough, and evenhanded manner. Documentation was swiftly provided in what amounted to a true "open file" policy, and Mr. Verner was vigilant in ensuring that no outstanding discovery issues remained. In all aspects of the case Mr. Verner was exceedingly accessible and authentic. He capably fulfilled the obligations his role as a prosecutor imposed upon him, but he did so in a manner that was considered, direct, honest, and fair. I could always trust and rely upon what he told me. There was never an instance when he said one thing and then did another.

**Exhibit A**, Shaw letter.

Attorney Robert J. Wheeler, Jr. (Wheeler), described Verner's ethics and discovery practice in detail:

I have been a practicing attorney in Massachusetts for approximately 38 years. I cannot even begin to count the number of criminal cases, including felonies and many murders, that I have handled from arraignment through trial. Through all those years and those many cases, I have never come across a prosecutor with a greater sense of fundamental fairness and professional ethics than Mr. Verner. He has always understood that a prosecutor has great power in the criminal justice system but that the function of a prosecutor is not to simply secure convictions but to ensure that a criminal defendant's constitutional and statutory rights are protected. He has understood that only under those circumstances can a conviction, should it be entered, be considered fair and just.

Mr. Verner and I tried a lengthy first-degree murder case on opposing sides approximately ten years ago. That case, Commonwealth v. Thomas Evans, involved a wide variety of scientific evidence and expert testimony, including

DNA, cell tower, and crime scene evidence. In the course of the pre-trial preparation, Mr. Verner maintained an open file and we jointly reviewed his entire file on at least two occasions. Mr. Verner's efforts to ensure that the defendant received a fair trial were exceptional.

**Exhibit A**, Wheeler letter.

Attorney Kelli Porges (“Porges”) elaborated on Verner’s discovery practices in a case that they shared while Verner was a Suffolk County prosecutor:

John's discovery practice is unique and far above board. Frequently John would call me on speaker phone with the detectives involved in the case so we could all have an open conversation about the case and any discovery. On more than one occasion John invited me into his office to go thru his file and helped me open some video surveillance with the help of his IT department. I believe I only lodged one or two objections during the whole two week trial because John practices within the confines of the law and rules of evidence. He even took it upon himself to ask me if I was going to file a motion to suppress my client's statement as he noticed there was a possible constitutional issue.

**Exhibit A**, Porges letter.

It is clear that Verner is performing at the highest level of his profession eight years after the Farak investigation. This built upon the reputation that he earned during earlier segments of his career, including from supervisors, colleagues, and supervisees.

Former AG Coakley described why she brought Verner to the AGO in the first place:

I chose John because he had the integrity, legal skills, experience and judgment to credibly perform this critical part of the job. In my two terms as AG, we faced a variety of prosecutorial decisions at many stages: whether to open an investigation, how to proceed with such an investigation, charging decisions, and whether to charge at all. We worked cooperatively with law enforcement and other agencies at the state, county and federal level. John consistently identified the factual, legal, and ethical issues at the heart of these matters. He was an important voice in making the crucial decisions we constantly faced.

**Exhibit A**, Coakley letter.

From the AGO, former DA Conley recruited Verner to the Suffolk County District Attorney’s Office:



I knew John over the course of his career. Before hiring John, I watched him work and lead in the Middlesex County District Attorney's Office and the Office of the Attorney General. Upon joining my office, John was as advertised. He joined my leadership team and carried himself with integrity, professionalism, legal skill and empathy for victims and their families.

**Exhibit A**, DA Conley letter.

Verner enjoys the same reputation among colleagues. Former Essex First Assistant District Attorney John T. Dawley ("Dawley") said:

My relationship with Mr. Verner dates back over fifteen years. I was the First Assistant of the Essex District Attorney's Office and John was a prosecutor with the Middlesex District Attorney's Office and then the Attorney General's Office. We have jointly directed and supervised multi-agency investigations involving electronic surveillance, search warrants and extensive Grand Jury investigations. John proved to be a very intelligent and insightful attorney. I constantly tapped him as a resource and relied upon his analysis of the constitutional issues and critique concerning strategy. I benefitted greatly from his ability to dissect complex legal issues and his command of the current state of affairs interpreting the fourth, fifth and sixth amendments.

**Exhibit A**, Dawley letter.

Northwestern First Assistant District Attorney Steven E. Gagne ("Gagne") offered "unqualified support for John Verner, whom I have known in a professional capacity for ten years." As the SHO knows, the Farak matter arose as a referral from the Northwestern District and its cases and Farak defendants were impacted. Gagne observed:

During my many interactions with John over the years, I always found him to be an exemplar of professionalism, courtesy, diligence and integrity, consistent with the reputation John carried before I even came to know him. It was apparent to me that John was genuinely and deeply committed to always doing the right thing, for the right reasons, and in the right way. Although we have never worked directly together in the same office, I nevertheless consider him a valued colleague, and am honored to know him.

**Exhibit A**, Gagne letter. Gagne did not sugarcoat the challenges and responsibility of being a supervisor, concluding that "each such situation is an opportunity to learn and improve, and I have no doubt that John will emerge from this experience as both a better attorney and a stronger

person.” Id.

Two former AGO Bureau Chiefs offered insight not only into Verner, which included familiar praise, but into the role itself. Christopher Walsh (“Walsh”) occupied the Criminal Bureau Chief role immediately prior to Verner, and Jennifer Grace Miller (“Miller”) was the Government Bureau Chief when Verner was the Criminal Bureau Chief. Their letters describe the challenges of managing up and down, overseeing litigation and administration, and taxing their own bandwidth. **Exhibit A**, Walsh and Miller letters.

As the SHO knows, Verner spent twelve years at the Middlesex County District Attorney’s Office (“Middlesex”). More a dozen former colleagues, including prosecutors, defense attorneys, and police officers attested to his character and special fitness in the practice of law. Particularly relevant here, Attorney Loretta Lillios (“Lillios”) commented that Verner sought legal guidance from Lillios “with full awareness of my expansive view on prosecutors’ Brady obligations. In all of these interactions, I observed John to exhibit a full understanding of his immense responsibilities as a prosecutor, to place a high value on integrity and transparency, and to act decisively in producing potential Brady material.” **Exhibit A**, Lillios letter.

Many of the persons that provided letters of support are mentors to Verner. K. Nathaniel Yeager (“Yeager”) provided considerable detail about his mentorship and observations of Verner that is better read than re-written. **Exhibit A**, Yeager letter. Attorney Adrienne C. Lynch (“Lynch”), a 40-year Middlesex veteran and 20-year mentor to Verner, directly addressed the disciplinary proceeding:

Throughout the pendency of the BBO proceedings, I followed the case and, on many occasions, John has spoken to me about ways he could improve as a supervisor in the future. I also know that John has discussed this with other lawyers and judges, with a genuine intent to improve as a supervisor in the future and to stress to younger prosecutors the vital importance of turning over exculpatory evidence.

**Exhibit A**, Lynch letter.

Just as Verner has benefitted from mentorship, Verner mentors the next generation of attorneys. The letters from attorneys he mentors speak volumes about him. Attorney Joseph Palazzo (“Palazzo”) wrote, “John’s training and mentorship rarely focused on winning my assigned cases. From my first to last day at MDAO, John’s emphasis was always to advance justice holistically.” **Exhibit A**, Palazzo letter. Attorney Deborah Bercovitch (“Bercovitch”), whom Verner mentored in Middlesex and later supervised when she was a Division Chief in the AGO recalled, “When I became a Superior Court ADA, John sat with me after work, and helped me prepare expert witnesses for grand jury and trial testimony. He fielded endless calls from me when I began to investigate and prosecute homicides. Despite the demands of his own caseload, John was always willing to set aside time to help me develop as an attorney.” **Exhibit A**, Bercovitch letter. Attorney Doug Nagengast (“Nagengast”), whom Verner supervised in Middlesex described specific examples of Verner guiding Nagengast through challenging ethical issues. **Exhibit A**, Nagengast letter.

Third, Verner has worked as a public servant for the entirety of his career. As he testified and others observed during the hearing, Verner has handled and continues to handle the most serious investigations and prosecutions in our society – homicides, police misconduct, and public corruption. The letters contained in **Exhibit A** provide further detail on Verner’s past and current work. Today, Verner has been entrusted to represent the Commonwealth in its most serious proceedings, but to represent the Suffolk County District Attorney in the community working with the families of victims of homicide. Verner has been investigating and trying first degree murder cases since he left the AGO. He has been working with the families to solve unsolved homicides and let them know that prosecutors and police have not forgotten about their

loved ones.

Verner held three different supervisory positions in the Middlesex County District Attorney's Office prior to joining the AGO. Hearing Report, ¶ 2. He managed 100-110 people at the AGO. Hearing Report, ¶ 4

Verner's commitment to ethical public service is described well in his testimony before Judge Carey in response to questions from Kim West.

West: Did you ever affirmatively conceal mental health records?  
Verner: No. I would never ever, ever, do that. Never.  
West: Did you ever have any discussion with anyone in the office about hiding the mental health records?  
Verner: No. If I had ever said that to [Bedrosian] or [Calkins] or [AG Coakley] they would [have] fired me and reported me." If anyone ever said that to me, I would have reported them. I would have — no — that's not who I am. That's not how I was brought up. I wouldn't do that.  
West: John, your parents worked in the court system as well, right?  
Verner: They do.  
West: And so you've been exposed to workings of criminal system for a long time?  
Verner: Yeah, so my dad was a court officer for 33 years in Malden District Court and then in Middlesex Superior. My mom runs the Middlesex Bar Association. She's not a lawyer, but it's a bar association with — defense lawyers join. I grew up going to Cambridge, 40 Thorndike. I grew up going to Malden District Court. My wife's a lawyer. She does Child in Need of Services court appointments from CPCS. My friends are lawyers. I would — my father would kill me if I did this. I would — my wife would look at me and say, 'What the hell are you doing?' Like, I wouldn't — I would never ever, ever do that. And I'm sorry to get upset, but for an accusation to be made, I've worked 16 years of my career to have a good reputation and to respect people. And then for someone to say we purposefully hid documents because we didn't want more cases to get dismissed or because we wanted someone to get elected is just nonsense. My wife would kill me. My — Luke, you can look however you want, all right, but this is the truth.

Judge Carey: Okay. Mr. Verner, that's enough. That's enough.

Ex. 156, p. 224-226.

Verner's commitment to public service is also well-described in the dozens of letters of support that both speak to Verner's commitment to public service as well as his character and integrity.<sup>5</sup>

**d. Publicity**

The SJC has held that "some mitigation exists by reason of the publicity" related to the underlying court action. In re Griffith, 440 Mass. at 510. Although the conditions were not present for the SJC to mitigate the sanction in In re Gross, 435 Mass. 445, 451-452 (2001), the Court discussed the conditions that must be present.

In substance, where an attorney has been subjected to a considerable period of public opprobrium while awaiting formal discipline, the delay will have already inflicted an unofficial sanction, and the formal sanction should take into account what the attorney has suffered while awaiting resolution of the charges. Here, the delay had no such impact on the respondent. There was no public awareness of any pending investigation of charges against the respondent, and the respondent contends that he himself was unaware of the fact that any disciplinary proceeding was still contemplated. The delay in filing the petition for discipline did not prolong any form of public embarrassment, humiliation, or anxiety.

Unlike In re Gross, all of these conditions are present. Preceding the disciplinary matter, the media gave the conduct of Farak and the AGO considerable attention. As was part of the evidence at the hearing, the media covered Foster's appearance before Judge Kinder. Ex. 59. Verner was the subject of media coverage during the hearing before Judge Carey and these disciplinary proceedings.<sup>6</sup>

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<sup>5</sup> Many of the letters are addressed to former Assistant Bar Counsel Stacey A.L. Best. The reason for this is that they were prepared when the parties were preparing the joint stipulation to the violations contained in the petition for discipline. Letters prepared more recently are addressed to the SHO and the Board Chair at the time that the author prepared each letter.

<sup>6</sup> Media coverage of Verner's testimony before Judge Carey. Ex-State Official was 'Freaking Out' Over Failure to Disclose Amherst Drug Lab Scandal Information, MassLive. (2016), at [https://www.masslive.com/news/2016/12/former\\_state\\_official\\_says\\_he.html](https://www.masslive.com/news/2016/12/former_state_official_says_he.html).

Media coverage following the hearing before Judge Carey. Judge Dismisses Several Drug Cases, Lashes Out at Two Former Massachusetts Assistant AGs in Sonja Farak Drug Lab Ruling, MassLive. (2017), at [https://www.masslive.com/news/2017/06/judge\\_s\\_decision\\_in\\_sonja\\_fara.html](https://www.masslive.com/news/2017/06/judge_s_decision_in_sonja_fara.html).

For good reason, the two drug lab scandals, their causes, and their effects have drawn significant media and public interest. This includes the instant bar discipline case. Again, for good reason, few bar discipline cases in Massachusetts have garnered as much attention as this one. Verner seeks no sympathy, but for the reasons outlined in In re Gross, Verner asks the SHO to find that he has received opprobrium by virtue of the allegations (most unproven) and the findings of wrongdoing that were proven and reported.

e. **Delay**

A mitigating factor closely related to publicity is delay. Delay is recognized as a legitimate consideration in mitigation throughout the country and in Massachusetts when the delay itself causes harm or the respondent suffers from publicity during the intervening time period. See generally Annotated Standards for Imposing Lawyer Sanctions, § 9.32(j), p. 281-284.

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Media followed the complaint that the Innocence Project and a Northeastern Law professor filed with the BBO in the summer of 2017 against Kaczmarek and Foster. New York-Based Innocence Project Seeks Sanctions Against Massachusetts Attorney General Staff Over Farak Drug Lab Scandal, MassLive. (2017), at [https://www.masslive.com/news/2017/07/new\\_york-based\\_innocence\\_proje.html](https://www.masslive.com/news/2017/07/new_york-based_innocence_proje.html).

The Petition for Discipline charging Verner with twelve violations of the Rules was the subject of local media attention. Shawn Musgrave, Three Former Prosecutors Accused of Misconduct in Amherst Drug-Lab Scandal, The Boston Globe. (2019), at <https://www.bostonglobe.com/metro/2019/07/09/three-former-state-prosecutors-accused-misconduct/YZGwOQACD9KumldJbknJ4J/story.html>.

The Petition for Discipline was also the subject of national media attention. Discipline Advised for Mass. Asst. AGs in Chemist Case, Law360. (2019), at <https://www.law360.com/articles/1175470/discipline-advised-for-mass-asst-ags-in-chemist-case>; Tom Jackman, Prosecutors Who Covered Up Mass. Drug Lab Scandal Now Face Bar Discipline, Civil Rights Lawsuit, The Washington Post. (2019), at <https://www.washingtonpost.com/crime-law/2019/07/30/prosecutors-who-covered-up-mass-drug-lab-scandal-now-face-bar-discipline-civil-rights-suit/>.

The SHO's Hearing Report was the subject of media attention. Shira Schoenberg, Board of Bar Overseers Finds Misconduct in Farak Case, Commonwealth. (2021), at <https://commonwealthmagazine.org/criminal-justice/board-of-bar-overseers-finds-misconduct-in-farak-case/>.

The Dookhan and Farak drug lab investigations were the subject of a four-part Netflix documentary called How to Fix a Drug Scandal that began airing in 2020. The documentary focused much of its attention on the AGO. Erin Lee Carr, How to Fix a Drug Scandal, Netflix. (2020), at <https://www.netflix.com/title/80233339>.

This is not an exhaustive list of news coverage of this matter or the underlying facts.

Here, despite the media attention, the Velis-Merrigan investigation, the Caldwell investigation, Carey’s findings, and SJC decisions like CPCS v. Attorney General, Bar Counsel did not file its Petition for Discipline against Verner until the summer of 2019. More than two years after that and a lengthy and well-publicized hearing, Verner is arguing the disposition of the matter. This delay and media attention have related impacts and render informal punishment. The SHO should consider this informal punishment, which is closely related to the publicity argument in the last sub-section when fashioning the recommended sanction to the Board.

**f. Present Employment Factors Mitigating Risk**

Attorney Verner has always worked as a prosecutor. Public protection for a government lawyer is not only provided through potential bar discipline. “The crucial factor distinguishing government and private attorneys is the lack of oversight for the latter. Whatever leeway government attorneys are permitted in conducting investigations, they are subject not only to ethical constraints, but also to supervisory oversight and constitutional limits on what they may and may not do, constraints that do not apply to private attorneys representing private clients.” In re Crossen, 450 Mass. 533, 567 (2008).

As long as he continues to work as a state prosecutor, Verner will continue to answer to an elected official. See G.L. c. 12, §§ 1 *et seq.* (powers of Attorney General and District Attorneys).

**g. Extenuating Factor**

Where the SHO found that Kaczmarek “actively misled” Verner and others at the AGO, this warrants some value in mitigation. Paragraph 5 of the Scope provisions of the Rules states in relevant part:

The Rules presuppose that disciplinary assessment of a lawyer's conduct will be made on the basis of the facts and circumstances as they existed at the time of the

conduct in question and in recognition of the fact that a lawyer often has to act on uncertain or incomplete evidence of the situation. Moreover, the Rules presuppose that whether or not discipline should be imposed for a violation, and the severity of a sanction, depend on all the circumstances, including the wilfulness and seriousness of the violation, extenuating factors, and whether there have been previous violations.

(emphasis added). Verner's reality was not as he understood it to be. This extenuating circumstance demonstrates that his lack of diligence was not willful. The Rules state that this bears on the severity of the sanction. This SHO should consider this in mitigation in this case.

**V. Aggravation**

There are no aggravating factors.

**VI. Conclusion**

Based on the SHO's findings of fact and the application of facts, John Verner warrants no more than a public reprimand.

Respectfully submitted,  
John C. Verner  
By his Attorneys,

Dated: August 16, 2021

*Pat Hanley*  
\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 16, 2021, a true copy of the above document was served upon the following counsel of record by electronic mail:

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*Pat Hanley*  
Patrick Hanley

**Exhibit A**  
*(Letters of Support)*

1. Allain, Nicole
2. Amabile, John A.
3. Banks, Michael R.
4. Bercovitch, Deborah
5. Bourbaeu, Michael C.
6. Brennan, Hank
7. Calkins, Sheila
8. Coakley, Martha
9. Conley, Daniel F.
10. Coviello, James J.
11. Dawley, John T.
12. DiGangi, Tom
13. Dym, Gabriel T.
14. Gagne, Steven E.
15. Gillietti, Damien D.
16. Goulding, Michael J.
17. Haggan, Patrick M.
18. Hoffman, Steven L.
19. Jorge, Nicole M.
20. Kelly, Arthur L.
21. Kennedy, Terrence W.
22. Levine, Elliot R.
23. Lillios, Loretta M.
24. Lowe, Rowe
25. Lynch, Adrienne C.
26. Manning, Robert L.
27. McLaughlin, Francis X.
28. Miller, Jennifer Grace
29. Nagengast, Doug
30. Palazzo, Joseph
31. Porges, Kelli
32. Rollins, Rachael
33. Sack, Steven J.
34. Shaw, Robert F.
35. Walsh, Christopher J.
36. Wells, Karen
37. Wheeler, Robert J.
38. Willis, Elisha
39. Yeager, K. Nathaniel
40. Zabin, Edmond & Lee, Mark

August 28, 2019

Stacey Best, Esquire  
Assistant Bar Counsel  
99 High Street  
Boston, MA 02110

Dear Attorney Best,

I am writing this letter on behalf of Attorney John Verner. Please accept this as a personal letter on behalf of John. It is not written in connection with my professional position or responsibilities.

John and I have been colleagues since I started working at the Middlesex District Attorney's Office in 2002. I began to work closely with John around 2006 when I was promoted to a Superior Court trial team. I found him to be a knowledgeable and experienced prosecutor who was respected by both legal and non-legal staff in the office. Assistant district attorneys, including myself, sought his advice and input on their cases. John was always willing to take time away from his own work to provide guidance and share his experiences during informal conversations as well as in training sessions.

Outside of work, John volunteered his time as a co-chair of MCLE's Prosecuting and Defending Homicide Cases program for six years. In that capacity, he worked with a defense attorney as his co-chair to create and lead an annual full-day program during which defense attorneys and prosecutors discuss issues relevant to homicide cases. I had the opportunity to attend and present at some of these programs. John's respect for the defense attorneys and their respect for him was evident as he moderated the presentations and interacted with the participants and attendees. To further demonstrate John's performance and dedication to his work as an assistant district attorney, he was recognized as the "Prosecutor of the Year" by the Middlesex County Bar Association in 2010.

I tried two murder cases with John while he worked at the Middlesex District Attorney's Office. Both of those cases resulted in first degree murder convictions that were upheld by the Supreme Judicial Court on appeal. During the preparation of those cases for trial, I watched him work alongside defense attorneys, judges, clerks, courtroom staff, civilians, police officers and expert witnesses including chemists, doctors and engineers. He spent significant amounts preparing the cases prior to trial. He sought out discovery and provided it to the attorneys. He prepared witnesses for their testimony. He took his ethical obligations seriously and when situations arose that required additional investigation, he made sure that the investigation were conducted and provided the information to the defense. I was proud to stand next to him during those trials knowing

that the Commonwealth was represented by an experienced and prepared assistant district attorney and that the defendants were treated fairly during the prosecution of the case from investigation through trial.

John has committed his professional life to public service, the practice of law and prosecutorial work. This is obvious based on his employment at the Middlesex County District Attorney's Office, the Office of the Attorney General and the Suffolk County District Attorney's Office. He has volunteered his own time to the professional development of prosecutors, defense attorneys and police officers. In addition to being my colleague, John is my friend. I have spent time in social situations with him, his family and his friends. It has been my pleasure to know him on a personal level and see that in addition to being a dedicated attorney, he is a respectable man with a gregarious personality, quick wit and a spirited sense of humor.

I appreciate the time you have taken to read this letter. I hope it gives you insight into John as I have come to know him during the last 13 years on both a personal and professional level.

Sincerely,

A handwritten signature in black ink that reads "Nicole Allain". The signature is written in a cursive, flowing style.

Nicole Allain, Esquire



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August 26, 2019

Stacey Best, Esq.  
Assistant Bar Counsel  
Office of Bar Counsel  
Board of Bar Overseers  
99 High Street  
Boston, Massachusetts 02110

**RE: John Verner**

Dear Ms. Best:

I write this letter in support of Attorney John Verner, who I understand is under investigation for an ethical violation in relation to litigation revolving around misconduct by Sonja Farak at the drug lab in western Massachusetts. At the time, Attorney Verner was an Assistant Attorney General.

I have been practicing law for 41 years, primarily in criminal defense. I have encountered hundreds of prosecutors at all levels in state and federal court. I have known John Verner professionally for many years and have handled two murder cases with him in the past four years since he has been an Assistant District Attorney in Suffolk County. Those cases involved extensive litigation including a jury trial and an extensive pretrial suppression hearing. By virtue of my background and direct experience with Attorney Verner, I feel qualified to share relevant observations about his ethical standards. I give my unqualified endorsement.

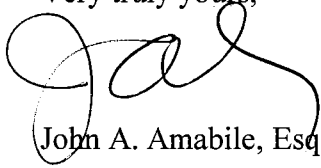
I found that Attorney Verner was always cognizant of and sensitive to his ethical obligations as a prosecutor. He has an open book policy on providing discovery. He was cognizant of and very sensitive to his obligation to provide exculpatory evidence. This included providing disclosure of statements made by witnesses in trial preparation during the trial. My experience was that he resolved all issues in favor of disclosure.

Attorney Verner always conducts himself in a highly professional manner in relation to the Court, Counsel and the witnesses and defendants. He is a formidable adversary. However, he always conducts himself in a friendly, straightforward and honest manner. During a trial, he constantly updates counsel on the order of witnesses and any scheduling issues. He never tries to take advantage of the defendant by his tactics or lack of disclosure.

Having handled dozens of murder cases in Suffolk County over the years, I know John Verner's reputation in the community of defense lawyers. That reputation is impeccable. I would ask you to consider my experience with him and knowledge of his reputation in relation to your investigation.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions or comments.

Very truly yours,

A handwritten signature in black ink, appearing to read 'JAA', with a large, stylized flourish extending from the end of the signature.

John A. Amabile, Esq.

JAA/

August 27, 2019

Ms. Stacey Best  
Assistant Bar Counsel  
Board of Bar Overseers  
99 High Street  
Boston, MA

Dear Ms. Best:

I am writing this letter at the request of John Verner who advised me that he is the subject of review by your office. I have known John since he was a district court assistant district attorney in the Middlesex District Attorney's Office. As a member of the State Police Detective Unit, I worked closely with John from 2004 through 2012 on several homicide investigations and prosecutions. In his role as a prosecutor, I know John to be intelligent, conscientious, and ethical.

In my experience in cases that I have worked with John, he has always made painstaking efforts to assure that suspects and defendants are availed of their constitutional protections. This has included ensuring that proper advisements are given to suspects before speaking with investigators; presenting all exculpatory evidence in grand jury proceedings; and insisting that all evidence or information that tends to negate the guilt of the accused or mitigates the strength of a case is documented and provided to defense counsel.

In my opinion, John's commitment as a prosecutor has always been to the truth coupled with strict adherence to the Law and the Rules of Professional Conduct including the special responsibilities of a prosecutor. In these often difficult cases, John's professional approach has earned not only the appreciation of victims' families but also the respect by members of the defense bar.

If you have any questions, please do not hesitate to email or call. Thank you for your attention.

Sincerely,



Michael R. Banks  
[Mrbanks1970@gmail.com](mailto:Mrbanks1970@gmail.com)  
(617)-293-9655

August 29, 2019

Deborah Bercovitch  
425 W. Beech St., Apt. 1054  
San Diego, CA 92101  
(617)970-4976

Stacey Best  
Assistant Bar Counsel  
99 High St.  
Boston, MA

Dear Ms. Best,

I am writing to you to convey my support for John Verner as he faces potential discipline by the Massachusetts Board of Bar Overseers. While I am currently living and practicing law in San Diego, I was a prosecutor in Massachusetts from 2003 until 2016. I worked with John for, essentially, the entirety of my legal career in Massachusetts; first at the Middlesex District Attorney's Office and then at the Attorney General's Office, where John was my supervisor. As a close friend and former roommate of John's wife, I have also known John in a personal capacity since I was in law school. John acted as a mentor to me in my early days as an assistant district attorney. He became a trusted coworker and, later, supervisor. I have always known John to act ethically and with integrity. He is, perhaps, the last person I ever would have expected to see in this situation, defending himself before the Board of Bar Overseers. John is well deserving of lenience from the Board in its review of this matter.

Given the long friendship I've had with John, I can imagine that you might dismiss this letter and believe it to be biased. However, I want to be clear that I mention our friendship solely to provide insight into the many ways that John helped me develop as an attorney. When I started at the District Attorney's Office, fresh out of law school, John was a Superior Court ADA. I saw John several times a week during my first years at the DA's Office. For John, this resulted in a probably annoying litany of evening, and late night, work related questions. However, if John was annoyed, he never let on to me and always patiently provided guidance and advice. John advised me on legal and ethical issues, including those involving discovery. Before my first motion to suppress, John practiced direct examination with me. He edited documents and discussed caselaw. Before my first trial, he sat on the couch and critiqued my closing argument as I practiced.

When I became a Superior Court ADA, John sat with me after work, and helped me prepare expert witnesses for grand jury and trial testimony. He fielded endless calls from me when I began to investigate and prosecute homicides. Despite the demands of his own caseload, John was always willing to set aside time to help me develop as an attorney. While, John's



willingness to teach me was partly borne out of friendship, it was mostly borne out of his desire to share his love for his criminal prosecution work. In my early years as a prosecutor, John taught me much about trial advocacy. However, perhaps more importantly, as a mentor and later as a coworker, he instilled in me a love for our work that got me through many emotionally and physically exhausting days as a prosecutor.

At the Attorney General's Office, I was first assigned to the Enterprise and Major Crimes Division and subsequently, in 2013, became the Chief of the Human Trafficking Division. John was my supervisor from 2013 to 2015. As a supervisor, John continued to demonstrate a deep appreciation of the importance and gravity of his work. He worked long hours supervising attorneys, representing the AG at external meetings, providing case updates to executive staff and advising the AG on criminal justice policy. John advocated on my behalf and helped me secure the resources necessary to start the AGO's Human Trafficking Division, the first of its kind in the state. Once the division was up and running, he provided as needed advice and counsel on case and personnel related issues. John made himself available to me when needed but also gave me authority to make human trafficking case decisions for attorneys and investigators in my division. This was crucial for me as I transitioned from a line AAG to a Division Chief.

I can confidently say that John is an intelligent, talented and thoughtful prosecutor. As an AAG in the Criminal Bureau during the investigation phases of the Dookhan and Farak cases, I can state, unequivocally that John and Anne Kaczmarek both worked hard in their separate but related capacities on these cases. I know that this case, irrespective of any sanctions, affects them daily. Despite any judicial decision to the contrary, I know that neither attorney acted willfully or with the intent to cause any harm. John has always approached his work, and this specific case, with integrity and with only an intent to do justice.

As prosecutors, we have all learned the far-reaching effect of our work and this case serves as a reminder to all of us that each decision we make can have life changing consequences for defendants, victims and witnesses. Nobody has learned this in a more personal manner than John and Anne. There is nothing to be gained by further punishing John and the community in which he works has much to lose if he is to be suspended from the practice of law for any period of time. Please do not hesitate to contact me if you have any questions or wish for further information in support of John.

Sincerely,

*Deborah Bercovitch*

Deborah Bercovitch

Law office of  
**Bourbeau & Bonilla, LLP**

80 Washington Street, Building K  
Norwell, Massachusetts 02061

B.W. Marina 66 Long Wharf (rear)  
Boston, MA 02110

Michael C. Bourbeau  
Telephone (617) 350-6565  
\*also admitted in California

Victoria M. Bonilla-Argudo  
Telephone (617) 350-6868

August 26, 2019

Stacey Best  
Assistant Bar Counsel  
99 High Street  
Boston, MA 02110

Re: Assistant District Attorney John Verner

Dear Sir or Madam:

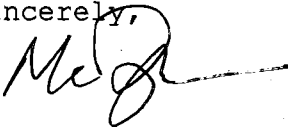
I have been a criminal defense attorney for the past 40 years in both the states of Massachusetts and California, as well as a member of the National Association of Criminal Defense Attorneys and the Massachusetts Association of Criminal Defense Attorneys. I readily practice in both the state and federal courts. I am writing to express my utmost support for Assistant District Attorney John Verner, a highly respected prosecutor whom I believe adheres to the highest ethical and professional standards.

Mr. Verner has been opposing counsel on two of my homicide cases. In the first, Commonwealth v. Ishmael Douglas, Dkt. 1484CR11029, Mr. Verner was relatively new to the Suffolk DA's office and took over the case from another prosecutor. Within a week or two of his engagement, Mr. Verner contacted me to let me know that he had significant discovery that had not been previously disclosed by his predecessor (some of which was exculpatory). Throughout our professional relationship in both cases, Mr. Verner has been open to discussion on every issue that arose concerning discovery, trial issues, and resolution.

Over the past 40 years I have dealt with hundreds of prosecutors. I would place Mr. Verner in the top 10 in terms of professionalism and integrity.

Please do not hesitate to contact me if you have any further questions in the above regard.

Sincerely,



Michael C. Bourbeau

**HANK BRENNAN**  
**20 PARK PLAZA, SUITE 400**  
**BOSTON, MA 02116**

August 28, 2019

Stacey Best, Esquire  
Assistant Bar Counsel  
99 High Street  
Boston, MA 02116

Dear Assistant Bar Counsel Best,

I believe John Verner is an attorney of great integrity, moral responsibility and upstanding character. I met Attorney Verner on March 21, 2016 in the "murder session" of the Suffolk Superior Court. Attorney Verner was reassigned a murder case scheduled for trial. He immediately comported himself with great distinction. Despite the pressures of an upcoming trial, at our first meeting he provided me nearly ten recorded statements taken from witnesses that were given to police on the night of the incident over a year earlier. The previously undisclosed witness statements included an interview of an eyewitness. The eyewitness provided a height description of shooter to the police on the day of the killing that was radically different than the accused's height. I compared the eyewitness' statement to her grand jury statement and realized that the eyewitness was not asked details about height before the grand jury. The statements were relevant, material and in the case of the eyewitness highly exculpatory. The immediate impact on the case was clear.

Prosecutors often have a sense of loyalty and obligation to the victim's family, the police and some have a competitive urge to win. These emotions sometimes conflict with a prosecutor's ethical obligations. Attorney Verner certainly demonstrated great empathy for the

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BRENNAN

PHONE: (617) 201-5977 FAX: (617) 812-3066

HANKBRENNANLAW.COM

HB@HBJUSTICE.COM

victim's family and was an extraordinary advocate for the Commonwealth, however, despite the damage the evidence posed to the Commonwealth's case Attorney Verner provided the evidence without hesitation. Attorney Verner accepted the Commonwealth's responsibility and failure and made no effort to abate its importance even though none of the failures were his personal responsibility. I remember a sense of being surprised and grateful that Attorney Verner had inherited the case. I developed an immediate admiration and respect for his commitment to his ethical duties as a prosecutor. As a result of the disclosures the Court continued the trial and took the remarkable step reducing the accused's bail to \$5,000.00.

The litigation and trial of the matter lasted about another year. I received frequent phone calls, emails, and text messages advising me about new discovery, changes in witness statements and other evolving discovery. Attorney Verner was distinctively transparent about which witnesses he intended on calling, the order he would call them in and forecast testimony and potential evidentiary areas that the defense may be concerned about to allow time to seek the Court's guidance before the evidence was placed before the jury. The common tactic of a bloated witness list, feigned confusion about which witnesses would be called the next morning and learning about potentially inadmissible evidence while the Commonwealth's witness is testifying in front of the jury never happened in that case. I felt Attorney Verner possessed an exhaustive sense of honesty and fairness.

Throughout the trial I reflected that Attorney Verner had a acute sense of the ethical responsibility that all prosecutors should have and observed him repeatedly demonstrate a unrelenting sense of ethics. I personally concluded that Attorney Verner should be involved in training prosecutors, especially those handling murder cases, about the uncompromised

obligation to ensure fundamental fairness and the prosecutor's responsibility to ensure an accused obtains a fair trial.

I have not had any further cases with Attorney Verner, however, a colleague handling a murder case in Plymouth County called me in the Winter of 2018 and asked if I knew ADA Verner. I asked why and my colleague shared with me that Attorney Verner had unexpectedly called him and other lawyers about their murder case, which Attorney Verner was not involved in, to inform them about potential exculpatory evidence of a witness he knew about. My colleague explained that the call was sadly unique. He shared that he had never had a prosecutor extend themselves to the degree Attorney Verner did in that phone call. The call from my colleague affirmed what I already knew about Attorney Verner.

My relationship with Attorney Verner is professional and limited to the courtroom. I see him from time to time at the courthouse and he is consistently collegial and in my opinion, presents his arguments in a professional and honest manner. In the passing conversations we have had the content of our conversations speaks volumes about the type of person he is. He asks about my children and talks about his. As a lawyer and a father, when a person, especially a busy lawyer, prioritizes family in children in their discussions and interactions it is a strong reflection of the person's priorities and character.

These are some of the reasons I believe John Verner is an attorney, and a person, of great integrity, moral responsibility and upstanding character.

Respectfully,



Hank Brennan

August 4, 2021

Marianne C. LeBlanc, Chair  
Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Alan D. Rose, Esq.  
Rose Law Partners LLP  
One Beacon Street, 23<sup>rd</sup> Floor  
Boston, MA 02108

Re: Attorney John Verner

Dear Chair LeBlanc and Attorney Rose:

I am writing in support of John Verner. I recognize that fact-finding has concluded, and I am not going to comment on the BBO's investigation because I was at the Attorney General's Office during the time period of the investigation as the Deputy Second Attorney General, but I would like to comment on the John Verner I know as a person and prosecutor.

I have known John since he was a student intern at the Middlesex District Attorney's Office (MDAO) more than 20 years ago, where I held the position of Second Assistant to DA Martha Coakley. John was an enthusiastic intern from day one and it did not surprise me when I learned that he wanted to be a prosecutor after attending law school. After joining the MDAO John was an excellent role model and mentor to other young prosecutors.

While at the MDAO John worked hard and moved quickly into leadership roles at the district and superior court level and he handled complicated cases. While I did not supervise John directly when he was at the MDAO, he would stop by to discuss cases from time to time and he was always aware of the ethical decisions that a prosecutor had to identify and act on. John learned early on, as I did, that there was only one way to complete discovery and that was by opening your file. That was a conversation that we had while we were at the MDAO and again at the Attorney General's office. John has always had the reputation with defense attorneys and fellow prosecutors as being approachable, fair, ethical, and open.

We were excited to have John join the Criminal Bureau at the AGO and we were confident he would use his skills as a prosecutor, leader and role model to ensure that the investigations and prosecutions were handled ethically and fairly. I attended many meetings in the Criminal Bureau where complicated and high profile cases were discussed, John continued to approach and exhibit a fair and ethical approach when making decisions. John employed all of the systems and division chiefs to carefully oversee investigations, prosecutions, and policy initiatives.

I recognize that John has been found to have violated the Rules of Professional Conduct in connection with the supervision of the Farak investigation. I have watched John handle and oversee thousands of cases with care, integrity, and complete fidelity to the Rules of Professional Conduct. As it has been for more than 20 years, the legal profession is better with John in it. I urge you to consider John's entire career as you fashion the sanction in his case.

Respectfully Submitted,

  
Sheila Calkins

BBO #070050

February 22, 2021

Jeffrey R. Martin, Chair  
Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Alan D. Rose, Esq.  
Rose Law Partners LLP  
One Beacon Street, 23<sup>rd</sup> Floor  
Boston, MA 02108

Re: Attorney John Verner

Dear Chairman Martin and Attorney Rose:

I am familiar with the allegations lodged by the Office of Bar Counsel against John Verner. I recognize that the subject matter of the proceeding currently before the Board occurred during my tenure as Attorney General. Out of deference to and respect for the fact-finding functions of the Special Hearing Officer, I do not comment here on the facts of the case.

I am writing to offer my full support of Attorney Verner. I have known John for over 20 years. In 2007, I was sworn in as Attorney General, and later convinced John to become our Criminal Bureau Chief, one of the most demanding jobs in the office. I never regretted that decision. In addition to John's talents as a lawyer, which are many, I know John's character, his moral compass, and judgment, which I believe have always guided him to pursue the right course of action.

I hired John as an Assistant District Attorney in 2000 while I served as the Middlesex County District Attorney. John quickly distinguished himself among his peers, and I selected him to supervise the Cambridge and then Lowell District Court teams prior to promoting him to a Superior Court team. I worked closely with John as he developed a caseload of increasingly serious investigations and prosecutions, including homicide, organized crime, and public corruption. I promoted him again to Chief of the Special Investigations and Narcotics Unit (later renamed PACT – Public Protection, Anti-Terrorism, Corruption and Technology). John was effective as a team manager, collaborated with his peers who helped me lead investigations and policy, and he always worked well with judges, court personnel, defense lawyers, victims, civilian witnesses, and police officers.

As mentioned above, I recruited John to become Chief of the Criminal Bureau. As Chief, his role was to oversee all criminal matters, including public corruption



investigations. I chose John because he had the integrity, legal skills, experience and judgment to credibly perform this critical part of the job. In my two terms as AG, we faced a variety of prosecutorial decisions at many stages: whether to open an investigation, how to proceed with such an investigation, charging decisions, and whether to charge at all. We worked cooperatively with law enforcement and other agencies at the state, county and federal level. John consistently identified the factual, legal, and ethical issues at the heart of these matters. He was an important voice in making the crucial decisions we constantly faced.

John has always been a committed public servant, seeking a career in the public sector for reasons I recognized and respected. He has demonstrated consistently that he wanted to achieve the right and fair result. One lesson that I learned from my predecessors in the DA and AG Offices and tried to instill in each office that I led, was that as prosecutors, we were bound to seek truth and fairness, not just pleas or convictions. John shared that belief and still does.

John's character, his empathy, and his capacity to build his skills in pursuit of the public interest make him a valued member of any team. I know he was a valued member of mine.

Cordially,

  
Martha Coakley

(617 875 0573)

Daniel F. Conley  
617-348-4477  
dfconley@mintz.com



One Financial Center  
Boston, MA 02111  
617 542 6000  
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July 30, 2021

Marianne C. LeBlanc, Chair  
Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Alan D. Rose, Esq.  
Rose Law Partners LLP  
One Beacon Street, 23<sup>rd</sup> Floor  
Boston, MA 02108

Re: Attorney John Verner

Dear Chair LeBlanc and Attorney Rose:

I am writing in support of John Verner, an Assistant District Attorney whom I recruited and hired in 2015 to lead special homicide investigations while I was Suffolk County District Attorney. I knew John over the course of his career. Before hiring John, I watched him work and lead in the Middlesex County District Attorney's Office and the Office of the Attorney General. Upon joining my office, John was as advertised. He joined my leadership team and carried himself with integrity, professionalism, legal skill and empathy for victims and their families. I am familiar with the findings of the Special Hearing Officer. The John Verner that I know possesses deep integrity, leadership, judgment, fairness, empathy, and commitment to public service.

I came to know John when he worked on important cases with my Homicide Unit. In particular, John worked with my former First Assistant District Attorney Patrick Haggan on processing of genetic material found on Mary Sullivan, the last victim of the Albert DeSalvo, the so-called Boston Strangler. This case was of great importance to the family of Mary Sullivan, the families of the other woman murdered by the "Boston Strangler," and the people of Suffolk and Middlesex Counties. The work of the prosecutors and investigators answered many lingering questions about the Boston Strangler and brought closure to scores of people. John and Pat Haggan never lost sight of the importance of the case and how critical it was to perform their work transparently, honestly, and accurately. John's demeanor, willingness to work with others, ability to lead when necessary, and be a team player were critical to building the excellent working relationship between our offices on the case.

John's leadership on cold case investigations not only brought fresh eyes to old cases, he brought, and still brings, hope to families who lost a loved one to violence. Much of John's work is done behind the scenes – meeting with families of the deceased, interviewing witnesses, reading through decades old files, and working tirelessly with law enforcement. This work can be difficult, but John and the investigators with whom he works are tireless in their efforts on behalf of the families of homicide victims.

Focusing on cold cases had one goal in mind – seeking justice for families. I watched John communicate with the families of homicide victims and was consistently impressed by the empathy he displayed and the commitment he provided.

In addition to his work on cold cases and his full docket of indicted “current” homicides, John also took a leadership role on independent investigations of police-involved fatalities. John brought a level of integrity and experience in use-of-force investigations that was unmatched.

In closing, based on my experience with John, conversations with defense attorneys and fellow prosecutors, John is someone that young attorneys look up to and other aspire to be like. It is without hesitation that I say I sincerely hope John is allowed to finally move on from this matter and continuing serving the people of Suffolk County.

Very truly yours,

A handwritten signature in blue ink that reads "Daniel F. Conley". The signature is fluid and cursive, with the first name "Daniel" and last name "Conley" clearly legible.

Daniel F. Conley

DFC/mew



August 30, 2019

Stacey Best, Esq.  
Assistant Bar Counsel  
99 High Street  
Boston, MA 02110

Robert H. Jackson, a United States Supreme Court Justice and the lead prosecutor of the Nazi war criminals at the Nuremberg trials, once opined, perhaps slightly hyperbolically, that "[t]he prosecutor has more control over life, liberty, and reputation than any other person in America." It is reassuring to know that a prosecutor as conscientious and honest as John Verner possesses the discretion to wield such power.

I have been a criminal defense lawyer for over thirty years, practicing in both federal and state trial courts as well as having appeared before both the Massachusetts appeals Court and the Supreme Judicial Court. After six years as a staff attorney with the Mass Defenders, in 1994 I began handling homicide cases in the Commonwealth. I believe my background may allow me provide an opinion concerning the character and of a prosecutor. My experience in handling a complicated first-degree murder case litigated for three years now opposite John Verner, allows me to render an opinion about his ethics.

Our case has involved over fifty court appearances in both the District and Superior Courts. During the pendency of the case, we have litigated District Court discovery issues, DNA matters, motions to suppress, and complex federal discovery issues. At each stage, he has conducted himself with the highest standard of professionalism. He displayed his knowledge of the

law when he alerted the court to the fact that the SJC had heard oral argument on a case which may impact discovery motions I had filed previously. He showed his open-mindedness when he changed his position and agreed with me that an out-of-state laboratory should not test the DNA involved in our case. Further, he exhibited a sense of fairness when he erred on the side of disclosure and endeavored to obtain relevant evidence in the possession of federal authorities. Throughout this litigation, John has displayed integrity and a spirit of cooperation with his opposing counsel, the court, and its staff which inures to the benefit of all involved with the criminal justice system.

Cordially,



James J. Coviello

8/30/19

July 25, 2021

Marianne C. LeBlanc, Chair  
Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Alan D. Rose, Esq.  
Rose Law Partners LLP  
One Beacon Street  
23<sup>rd</sup> floor  
Boston, MA 02108

Re: Attorney John Verner

Dear Attorneys LeBlanc and Rose,

This letter is sent in support of Attorney John Verner in anticipation of discipline to be imposed for violations of professional rules. I am writing to endorse his character, both personally and professionally.

My relationship with Mr. Verner dates back over fifteen years. I was the First Assistant of the Essex District Attorney's Office and John was a prosecutor with the Middlesex District Attorney's Office and then the Attorney General's Office. We have jointly directed and supervised multi-agency investigations involving electronic surveillance, search warrants and extensive Grand Jury investigations. John proved to be a very intelligent and insightful attorney. I constantly tapped him as a resource and relied upon his analysis of the constitutional issues and critique concerning strategy. I benefitted greatly from his ability to dissect complex legal issues and his command of the current state of affairs interpreting the fourth, fifth and sixth amendments.

He has always demonstrated the highest professionalism in both his disposition and demeanor. I have always considered John a bona fide asset to our profession.

I speak with confidence in characterizing John as a person of high principle whose integrity has earned him my respect. In both practice and conversation, John impresses one as an individual whose considerable talent is balanced by ethical values that reflect the highest ideals of our profession.

In conclusion, I support John Verner and hope that you accept these comments of my sense of his conduct and professionalism in balance of your recommendations.

Very truly yours,

s/ John T. Dawley

John T. Dawley, Esq.

17 Robinson Park

Winchester, MA 01890

July 22, 2021

Marianne C. LeBlanc, Chair  
Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Alan D. Rose, Esq.  
Rose Law Partners LLP  
One Beacon Street, 23<sup>rd</sup> Floor  
Boston, MA 02108

Re: Attorney John Verner

Dear Chair LeBlanc and Attorney Rose:

I am pleased to write this letter on behalf, and in support, of John Verner. I have known John for nearly 21 years. I have never met a better prosecutor, a better trial attorney nor a better public servant than John. I first met him when we served together as Assistant District Attorneys at the Middlesex District Attorney's Office in Lowell, Massachusetts. At that time, we were peers, but John quickly received a promotion to the Supervisor's position at Cambridge District Court.

When I transferred to Cambridge, I was reunited with John, this time with him as my supervisor. Working for John was a wonderful experience. He supervised me and at least five other ADA's. He was a great teacher and a great colleague. He was always there when any of us needed questions answered, and to provide advice on both legal and ethical matters. As I am sure you know, things happen very quickly on a crowded district court docket and cases are rapidly transferred from one ADA to another, and not always with the most thorough communication. Judges can be demanding and at times want answers right away. John always told us that if we weren't sure of how to respond to the Court, we should always request a "second call" (rather than saying something false to the court) and come find him for what to do next.

The best part of working with John was seeing him in court: on trial and in session. John earned the respect of everyone in the courtroom: judges, assistant clerks, probation officers and defense attorneys. He also had the respect of the various police prosecutors we worked with, along with the victim witness advocates. Whenever an issue arose that one of us ADA's could not resolve, we all went to John for advice and usually solved the issue. All told, I worked with

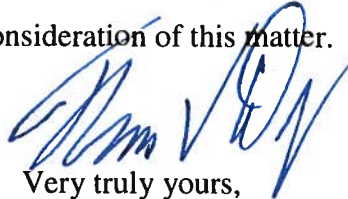


Marianne Leblanc, Esq.  
July 22, 2021  
Page 2 of 2

John at the District Attorney's Office for nearly two years. He was the best, and most ethical prosecutor I have worked with.

When I left the DA's office, I joined John at the Office of the Massachusetts Attorney General. Although we worked in different Divisions, and in different buildings, I maintained my friendship with him. I have him watched him marry, begin to raise a family, and climb to the highest plateaus in our profession. What has impressed me most about him is that he has committed his entire professional career to serving the citizens of this Commonwealth ethically, professionally, and with respect for everyone involved in the criminal justice system. He easily could have moved into private, lucrative practice and made significant amounts of money. Instead, for 21 years he has worked tirelessly and ethically to put murderers in jail, seek justice on behalf of crime victims, and target public corruption. I am proud to call him my friend.

Thank you for your attention and consideration of this matter.



Very truly yours,  
Tom DiGangi, Esquire  
MA BBO# 648415  
69 North Margin Street, Unit 1  
Boston, MA 02113  
339-226-0203

732 Great Plain Avenue  
Needham, MA 02492

August 29, 2019

Stacey Best, Esq.  
Assistant Bar Counsel  
Board of Bar Overseers  
99 High Street, 2<sup>nd</sup> Floor  
Boston, MA 02110

Re: John Verner

Dear Counsel:

I write this letter on behalf of John Verner. I have been admitted to the Massachusetts bar since 2006, and I am currently a Member at Eckert Seamans Cherin & Mellott, LLC in Boston.

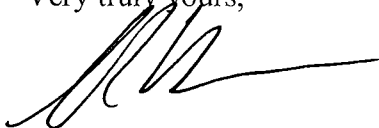
I have known John for thirteen (13) years, having worked with him at the Middlesex County District Attorney's Office starting in 2006. From my earliest memory, John had a reputation in the office as ethical, intelligent, and a mentor for younger lawyers.

Throughout the years, as both of us have moved on to other jobs, John and I have frequently talked about issues that have come up in our cases. Never once in those conversations did I get the sense that John cared about anything other than doing what was right and just; "winning" has never been the most important thing to John, and I know that John does not consider "winning" or "losing" the marker of his professional success. As anyone who knows him well will tell you, John has always treated the great responsibility of being a prosecutor with uncommon professionalism and seriousness.

I know John as a lawyer, prosecutor, husband, father, and close friend. He is one of the most ethical lawyers, and best people, that I know.

I welcome the opportunity to discuss John further with you. Please do not hesitate to contact me at (617) 835-6877 or via email at [gabriel.dym@gmail.com](mailto:gabriel.dym@gmail.com).

Very truly yours,



Gabriel T. Dym



# The Commonwealth of Massachusetts

## DISTRICT ATTORNEY

NORTHWESTERN DISTRICT

DAVID E. SULLIVAN  
DISTRICT ATTORNEY

ONE GLEASON PLAZA  
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August 12, 2021

Marianne C. LeBlanc, Chair  
Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Alan D. Rose, Esq.  
Rose Law Partners LLP  
One Beacon Street, 23rd Floor  
Boston, MA 02108

Re: Attorney John Verner (B.B.O. File No. C1-18-00255238)

Dear Chair LeBlanc and Attorney Rose:

I write to offer my unqualified support for Attorney John Verner, whom I have known in a professional capacity for nearly ten years. As the First Assistant District Attorney for the Northwestern District, I frequently communicated and collaborated with John in his capacity as Chief of the Criminal Bureau within the Massachusetts Attorney General's Office, as there were many investigations and prosecutions in Hampshire and Franklin Counties over which our Offices shared jurisdiction. The most significant of these, obviously, involved Sonja Farak's criminal misconduct at the Amherst Drug Lab, which the Attorney General's Office agreed to handle in January 2013.

During my many interactions with John over the years, I always found him to be an exemplar of professionalism, courtesy, diligence and integrity, consistent with the reputation John carried before I even came to know him. It was apparent to me that John was genuinely and deeply committed to always doing the right thing, for the right reasons, and in the right way. Although we have never worked directly together in the same office, I nevertheless consider him a valued colleague, and am honored to know him.

I have read Special Hearing Officer Rose's report dated July 9, 2021 in which he concluded that John did not adequately supervise the lead prosecutor of the Farak criminal case. As a supervisor myself, I empathize with John, for I understand the difficulties and demands that come with supervising numerous attorneys in a high-stakes field of law. Even after serving 10 years as the First Assistant, I am still challenged by the ever-present "balancing act" of being a

good supervisor: ensure that your people understand and appreciate what is expected of them; and then—without micromanaging—trust that they will faithfully fulfill all of their professional and ethical responsibilities. When lapses inevitably happen, supervisors are often held accountable, and rightly so. But each such situation is an opportunity to learn and improve, and I have no doubt that John will emerge from this experience as both a better attorney and a stronger person.

In closing, I ask that you consider John's lengthy and continuing career as a dedicated public servant, and his well-deserved reputation for honesty and integrity, when fashioning an appropriate disposition in the pending matter. Thank you for your time and consideration.

Very truly yours,

A handwritten signature in blue ink, reading "Steven E. Gagne". The signature is fluid and cursive, with the first name "Steven" being the most prominent.

Steven E. Gagne  
First Assistant District Attorney

DAMIEN D. GILLIETTI  
ATTORNEY AT LAW  
19 BEACON STREET  
BOSTON, MASSACHUSETTS 02108  
Phone (617) 576-9884 Fax (617) 523-5226

August 27, 2019

Stacey Best, Esq.  
Assistant Bar Counsel  
Office of Bar Counsel  
99 High Street  
Boston, MA 02110

RE: John Verner

Dear Attorney Best:

I am an attorney licensed to practice in the Commonwealth for over 22 years, whose practice primarily focuses on criminal defense. I am also a Supervising Attorney for the Cambridge, Somerville, and Malden District Courts with the Middlesex County Bar Advocate Program. Additionally, I am a former President of the Middlesex County Bar Association.

I am writing this letter in support of Attorney John Verner. I have known Attorney Verner both professionally and socially for approximately 20 years. I first met John Verner in the Cambridge District Court when he was a new Assistant District Attorney in the Middlesex County District Attorney's Office. During his entire tenure as a Middlesex ADA and through his rise from a line ADA, to Cambridge District Court Supervisor, to Superior Court ADA, I had frequent interactions with him as a litigator and supervisor. Specifically, he represented the prosecution through many cases in which I represented the defendant, including several cases that proceeded to trial.

From the outset, I was impressed with Attorney Verner's integrity and honesty in our interactions. As he undertook his supervisory duties, he led by example - exemplifying the highest ethical standards and fair dealings utilized by the best

prosecutors. His exemplary standards continued through several difficult, and high stakes cases that we litigated. In my position as a Supervisor of Bar Advocates, I have had occasion to interact with criminal defense attorneys who have had experience with Attorney Verner. they report equally positive experiences and express that his reputation is one of integrity, character, and honesty in every aspect of his work.

I am more than willing to speak to anyone about my experiences with, and knowledge of, Attorney Verner. Please feel free to contact me.

Very truly yours,

Damien D. Gillietti

DDG/klh



prosecutors. His exemplary standards continued through several difficult, and high stakes cases that we litigated. In my position as a Supervisor of Bar Advocates, I have had occasion to interact with criminal defense attorneys who have had experience with Attorney Verner, they report equally positive experiences and express that his reputation is one of integrity, character, and honesty in every aspect of his work.

I am more than willing to speak to anyone about my experiences with, and knowledge of, Attorney Verner. Please feel free to contact me.

Very truly yours,



Damien D. Gilletti

DDG/kh

August 26, 2019

Michael J. Goulding  
3 Sargent Road  
Belmont, Massachusetts 02478

Ms. Stacey Best  
Assistant Bar Counsel  
Board of Bar Overseers  
99 High Street  
Boston, Massachusetts

**Re: Attorney John Verner**

Dear Ms. Best:

I write to you today in support of John Verner, a person who I hold in high esteem. I became acquainted with John through his work as a Middlesex Assistant District Attorney. He was a member of the Middlesex District Superior Court team, which covered the Cambridge Region, under Assistant District Attorney Adrian Lynch. At the time, I was a Detective Lieutenant with the Medford Police Department and the City of Medford fell into this region. John handled many cases that I was involved in and we spent many hours together investigating cases. I quickly came to respect him as an Assistant District Attorney (ADA) but more importantly as a person. I was not the only one who felt this way. He was well respected around my circles of investigators. His knowledge, ethic and skills as a lawyer eventually advanced him to the Special Investigations Unit of the DA's office.

John was the ADA you wanted on your case especially if faced with a crime likely to go to a Grand Jury. John cared and was always about doing the right thing. Over the years, we would spend countless hours together and talked at length on the phone. We discussed it all. John also handled the internal affairs cases for police officers. We had many conversations about ethics and those whose behavior fell below what should be expected of an individual who carries the title




of police officer. You could trust John Verner and you could take his advice to the bank.

When District Attorney Martha Coakley left to become the Attorney General of the Commonwealth of Massachusetts, she eventually took John Verner with her to run the Attorney General's Criminal Division. I, of course, was happy for John, but sad because I didn't want to lose a colleague of his caliber. He always gave that extra when I would ask him to provide trainings for my detectives, which he always did. I knew I could count on him. I didn't hesitate to call John when I wanted his opinion on something, he was always kind to listen and play devil's advocate if alternative routes were possible or necessary. He would never cut corners. I knew that. I respected that. I wanted that.

I am in my 32nd year in police work. I was fortunate to be named Chief of Police in the Town of Weston in 2015. I still call John Verner for his counsel. Recently I had some personnel issues where ethics were in question and John answered my call. I am very fortunate to have a colleague like him and glad to call him a friend.

I am a member of the Massachusetts Bar since 1997. I do not practice currently. I have never written a support letter to your honorable body, but I didn't hesitate for John. I humbly thank you for listening to me.

Respectfully,



Michael J. Goulding

Michael J. Goulding

4 Mark Vincent Drive  
Westford, MA 01886  
(617) 913-0408

August 29, 2019

Stacey A. L. Best, Esquire  
Assistant Bar Counsel  
Massachusetts Board of Bar Overseers  
99 High Street, 2<sup>nd</sup> Floor  
Boston, MA 02110

RE: John Verner

Dear Attorney Best:

Please accept this letter in support of John Verner relative to his pending disciplinary action at the Massachusetts Board of Bar Overseers. I have been admitted to the Massachusetts bar since January of 1995 and am currently an attorney at the law firm Lubin & Meyer in Boston. Prior to joining the firm, I was the First Assistant District Attorney in Suffolk County from 2011 until February of 2019. I was a prosecutor in Suffolk County for 24 years. I have known and worked with John Verner since approximately 2011. I strongly recommend that the Board consider what I believe to be John's exemplary career as a public servant and his outstanding reputation as a member of the bar in whatever decision is made relative to the disciplinary proceeding.

Even prior to meeting and working with John in 2011, I was aware of his strong reputation in the criminal bar not only a trial attorney, but as a leader in the Middlesex District Attorney's Office. I knew from many in the legal community that John was known as someone who was fair, ethical and well-liked not only by his peers and law enforcement partners, but more importantly, by members of the defense bar and the judiciary. In or around 2011, I began to work closely with John in his role as the Chief of the Criminal Bureau of the Attorney General's Office. In particular, John and I worked exceptionally close together for over a year in 2012 when our offices jointly investigated new evidence related to the Boston Strangler investigation. During this time period, I had the opportunity to observe firsthand John's diligent, professional and ethical approach to investigating and prosecuting criminal cases. Similarly, during this time period in 2012, I worked closely with John relative to the Annie Dookhan cases and always found him to be forthright, cooperative, meticulous and ethical in his approach to a unique and challenging situation.

Based upon my extremely favorable impression of John as a prosecutor, public servant and person, I actively recruited him to join the Suffolk County District Attorney's Office in

Stacey A. L. Best, Esquire  
Assistant Bar Counsel  
August 29, 2019  
Page 2

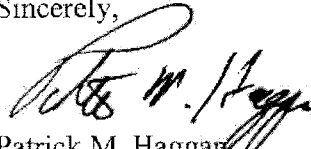
2014. In addition to being an excellent trial prosecutor and leader, John appeared to embody then-DA Conley's standards of professionalism and ethics above all else as a prosecutor. After meeting with our Chief Trial Counsel John Pappas, the Chef of Homicide Ed Zabin, and the Deputy Chief of Homicide Mark Lee, we all unanimously recommended that DA Conley hire John to investigate and prosecute cold case homicides in Suffolk County.

Since joining Suffolk County, John became a crucial and trusted member of the staff and a leader in the office. Based upon his work and high ethical standards, DA Conley entrusted John to not only handle a number of high profile cases, and trials, but to also take a leadership role in complex and sensitive police-involved use of force investigations. In all of my dealings and observations of John in his role as a prosecutor, I have been extremely impressed with his commitment to fairness and ethics and his overall goal of doing the right thing.

I have also had the opportunity over the last few years to observe John's interactions with others. He continues to have an excellent reputation and rapport with his colleagues and peers on both sides of the aisle and with judges he appears in front of. I also know firsthand how committed he is to working with survivors of homicide and the true empathy, compassion and professionalism that he brings to his work every day.

Lastly, over the past five years, I have had the privilege to get to know John as a person. He is committed to his family, his community, the community at large and the highest standards of our profession. I am available to answer any questions that you may have. Please do not hesitate to contact me if I can provide any information.

Sincerely,



Patrick M. Haggan

**Steven L. Hoffman**  
**91 Littlefield Road**  
**Newton, MA 02459**

July 21, 2021

Marianne C. LeBlanc, Chair  
Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Alan D. Rose, Esq.  
Rose Law Partners LLP  
One Beacon Street, 23rd Floor  
Boston, MA 02108

Re: Attorney John Verner


Dear Chair LeBlanc and Attorney Rose:

I first met John Verner when we were colleagues in the Middlesex District Attorney's Office in the early 2000's. John was held in high regard by all in that office for his hard work, integrity and fairness. Because of these traits and his skill as a trial lawyer, he was promoted to leadership positions in short order.

I was reunited with Mr. Verner when he was appointed as Chief of the Criminal Bureau in the Attorney General's Office in 2012. At that time, I was Deputy Chief of the Medicaid Fraud Division ("MFD"), which has both civil and criminal enforcement power. Even though MFD was not in the Criminal Bureau, on our criminal investigations, all of our search warrants, proffer letters, cooperation agreements and prosecution memoranda had to be reviewed and approved by the Criminal Bureau. Under Mr. Verner's leadership, all of MFD's proposed criminal actions were carefully and appropriately scrutinized for fairness, due process to the target/subject of the investigation, and appropriateness. Mr. Verner brought the same sense of ethics and fair play to the Attorney General's Office that he learned and practiced as a Middlesex Assistant District Attorney.

Please feel free to contact me if I can provide further information.

Very truly yours,



Steven L. Hoffman

BBO # 237280

[slhoffman1@comcast.net](mailto:slhoffman1@comcast.net)

617-733-8821

Nicole M. Jorge  
Partner, Casner & Edwards, LLP  
2 Morton Road  
Arlington, MA 02476

August 26, 2019

Attorney Stacey Best  
Assistant Bar Counsel  
Office of Bar Counsel at Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Dear Attorney Best,

I am writing this letter to express my sincere and unabashed support for Attorney John Verner. I have had the privilege of knowing John for approximately 14 years through our former employment at the Middlesex District Attorney's Office ("MDAO"). Nearly 13 years ago John became my supervisor in the Special Investigations Unit. I was thrilled when I learned that he would be my supervisor given his reputation as an excellent trial lawyer and as a highly principled and fair person. While at the MDAO, I personally observed him to take his prosecutorial oath and the awesome responsibility of being a prosecutor quite seriously. He espoused both in word and in action the sentiment that honesty, ethics and credibility are important characteristics for all lawyers, but are absolutely essential for prosecutors given the discretion afforded to them. He has been unwavering in his commitment to public service and uncompromising in his approach to it.

I find it unfathomable to rectify the dedicated and steadfast civil servant that I know with the allegations being lauded against him. I feel strongly that they are untrue and I would be absolutely and utterly shocked if there was any merit to the current allegations against him. For as long as I have known him, John has comported himself exactly as a true prosecutor should, by letting integrity, fairness, compassion and knowledge guide his day-to-day actions. I, for one, feel privileged to have worked with and under John's tutelage, and without reservation can say that throughout my time working with him he demonstrated nothing but adherence to the highest standards of ethics and the legal profession.

August 26, 2019  
Page Two

It is without any hesitation that I implore you to carefully investigate and consider the allegations being leveled against Attorney Verner, because I trust that if you do, you will find them wholly without merit and exonerate him of any wrongdoing.

Very truly yours,

  
Nicole M. Jorge

NMJ/ag

THE LAW OFFICE OF  
**ARTHUR L. KELLY**  
580 Washington Street, Suite 2B  
Newton, Massachusetts 02458  
617-969-6724 • Fax 617-969-6321  
Email: [info@arthurlkellylaw.com](mailto:info@arthurlkellylaw.com)  
Website: [ArthurLKellyLaw.com](http://ArthurLKellyLaw.com)

Stacey A.L. Best, Assistant Bar Counsel  
Office of the Bar Counsel  
99 High Street  
Boston, MA 02110

August 26, 2019

**RE: John Verner**

Dear Ms. Best:

Please accept this letter as my affirmation of the outstanding character and integrity of John Verner.

I have been an attorney for approximately 34 years. My practice has exclusively been criminal defense, in the District and Superior Court(s) throughout the State. I have been a member of the CPCS 'so-called Murder list' since 1990 - and I have tried and or have been involved in, over (35) murder cases to date. I have been a senior member of both the Suffolk and Middlesex Bar Advocate Programs. I have handled countless 'other' criminal cases during my entire career to date. I offer this 'background' information in an effort to detail my experience so you may be assured that I have the proper perspective and experience to evaluate an individual as to their integrity and character as to the position of a prosecutor.

It is my belief that John Verner embodies these qualities and more. As we can all agree, there is no substitute for honesty and integrity. His knowledge about the law is first rate and he has consistently demonstrated an ability to approach the 'legal issues' in a case with sound rational and determinative skill.

I have known John for approximately 15 years. I first met him in 2004 and then again in 2005 with regard to a double homicide case in Cambridge, MA - he

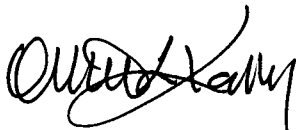
was the prosecutor, I the defense counsel. It was a tragic case in which a grandmother and granddaughter lost their lives as a result of a fire set by my Client, Commonwealth v. Kevin Robinson, Middlesex Superior Court. During the many months of preparation, I remember John Verner answering all my questions, returning phone calls, delivering discovery when requested - and when it was not. You knew he was 'above board', you knew he was not hiding anything. Sadly, I cannot offer this comment about every Assistant District Attorney I have had on a case. Over the years, I have been in the company of many defense attorneys, my collective memory is that they have shared my opinion, that John Verner was a prosecutor you could trust. For what I do, and for what my colleagues do each and every day - that is the best you can expect and that is really the best you can say.

Over the years that followed that first case, we were involved in other cases together. During the many cases I have had in Middlesex Superior Court, John would often be the direct supervisor of the ADA handling the case. I could easily detect that his leadership and guidance made a positive difference to an otherwise not so experienced 'apprentice'.

I have had the 'up close' opportunity to evaluate his level of professional legal assistance to the Commonwealth to which he has served. I have witnessed his excellent abilities of communication, negotiation and ethical commitment to a wide range of situations and groups. His overall attitude and unwavering commitment has been nothing short of excellent, an unquestionable asset to the Trial Court and the community to which he serves.

Please contact me with any further questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur L. Kelly". The signature is fluid and cursive, with the first name "Arthur" being more prominent and the last name "Kelly" following in a similar style.

Arthur L. Kelly



LAW OFFICES OF  
**TERRENCE W. KENNEDY**  
512 BROADWAY  
EVERETT, MA 02149

Terrence W. Kennedy

Tel: (617) 387-9809  
Fax: (617) 387-8178  
twkennedylaw@gmail.com

August 29, 2019

Stacey Best, Esq.  
Assistant Bar Counsel  
Office of Bar Counsel  
Board of Bar Overseers  
99 High Street, 2nd Floor  
Boston, MA 02110

**Re: Letter of Support for John Verner**

To Whom It May Concern:

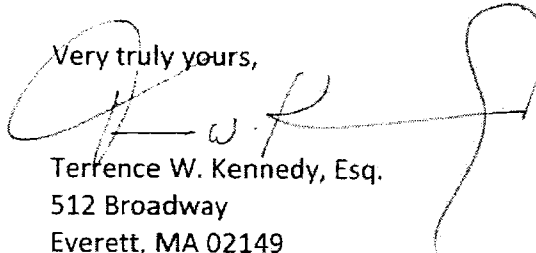
My name is Terrence W. Kennedy and I am a licensed attorney practicing in the Commonwealth of Massachusetts for over 30 years. Please accept this letter in support of Attorney John Verner.

I have known John and his family for over 20 years on both a professional and personal level and I can attest to his high moral character. During that time, I have had multiple cases with John from the time he was a young prosecutor, including jury trials. Since our meeting over 20 years ago, I have come to know and appreciate that he is an extremely knowledgeable and learned attorney. John is one of the fairest and most ethical prosecutors that I have dealt with during my legal career. He never hides the ball or play unnecessary games. If anything, he goes above and beyond to ensure full and complete disclosure of all evidence, especially possible exculpatory evidence. That has certainly been how he has dealt with me over the years

I was certainly shocked that he was the subject of the complaint before the Board of Bar Overseers. Upon hearing of this matter, I reached out to John and offered to write this letter on his behalf. I am willing to speak to anyone at Board of Bar Overseers and testify on behalf of John.

If you have questions, please feel free to contact me.

Very truly yours,



Terrence W. Kennedy, Esq.  
512 Broadway  
Everett, MA 02149  
[twkennedylaw@gmail.com](mailto:twkennedylaw@gmail.com)

# ELLIOT R. LEVINE

ATTORNEY AT LAW

20 WHITNEY ROAD

QUINCY, MA 02169

(617) 472-2424

FAX (617) 471-6677

E-MAIL [elliotrlevine@gmail.com](mailto:elliotrlevine@gmail.com)

Stacey Best  
Assistant Bar Council  
99 High Street  
Boston, MA 02110

August 29, 2019

Dear Attorney Best:

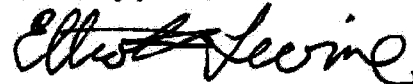
This letter is for your consideration regarding Assistant District Attorney John Verner.

John is prosecuting a murder case against one of my clients. As a result I have had the opportunity to interact with him for well over one year. John has been unequivocally upfront on all issues we have dealt with. In my opinion, one can take his word, i.e., his integrity, to the bank.

John not only has been open and honest about issues the case presents, but we have also had the opportunity to discuss issues beyond the case; meaning I trust and respect John. I have over decades interacted with many assistant district attorneys; John ranks at the very highest level in terms of professionalism and integrity.

John did not ask me to submit a letter on his behalf; rather, I offered to do so because I feel strongly that he represents the best of what we should expect of a member of our legal profession.

Sincerely yours,



Elliot Levine

19 Sawin Street  
Natick, MA 01760

August 29, 2019

Stacey Best, Esq.  
Assistant Bar Counsel  
Office of Bar Counsel  
99 High Street  
Boston, MA 02110

Dear Attorney Best,

I am writing to share with you my experience and impressions of Attorney John Verner. I hope that my comments shed some additional light on the matter before you, and assist you in evaluating John's professional ethics, character, and reputation.

I worked with John for 14 years at the Middlesex District Attorney's Office. For a time, I was Deputy Chief of the Appeals Bureau there. Later, I was Chief Legal Counsel for the DA's Office, and in that capacity I oversaw the PACT Unit which John supervised. During this latter period, I was responsible for reviewing allegations of police misconduct with an eye towards determining whether to produce information about the alleged misconduct to the defense teams in prosecutions where the officer in question had any involvement, however minor. I relied on John to gather information about each incident. I routinely sought John's recommendation regarding production of the information to the defense. The factual underpinnings of the alleged misconduct ran the gamut. For instance, an officer who was involved in a collision with his cruiser may have been untruthful about it in an internal investigation of the crash; an officer may have pulled over an individual for suspected impaired operation and declined to arrest him upon learning his identity; an officer may have been under investigation for theft of drugs or cash from the evidence room; or a judge presiding over a suppression hearing may have found an officer's testimony to be lacking in credibility. John's demonstrated philosophy, which I share, is that prosecutors are not able to anticipate with certainty how any particular piece of evidence might be utilized to assist the defense in a seemingly unrelated case. This philosophy led John to err on the side of recommending production. Relevance and admissibility at a hearing or trial were left to another day. It was John who was left to explain to the police chief the decision to produce the information. From my observations, John did so in a way that emphasized prosecutors' heightened obligations to ensure that justice is done. I never observed John shy away from these decisions or communications.

I also gained insight into John's approach to his obligations as a prosecutor from my role as Deputy Chief of the Appeals Bureau at the DA's Office. I handled the appeal of a first degree murder case where John was the trial prosecutor. This involved examining the entire official record of the case, as well as John's file. John also was proactive in seeking legal guidance from the Appeals Bureau on matters that inevitably arose in investigations and prosecutions under his purview. He did so with full awareness of my expansive view on prosecutors' Brady

obligations. In all of these interactions, I observed John to exhibit a full understanding of his immense responsibilities as a prosecutor, to place a high value on integrity and transparency, and to act decisively in producing potential Brady material.

From the DA's Office, I went to work as an Assistant Attorney General in the Government Bureau at the Attorney General's Office, and for the past approximately five years I have been Chief Enforcement Counsel at the Massachusetts Gaming Commission. I continue to hold John in high regard on both a personal and professional basis, and know him as a person of integrity with a reputation for ethical conduct.

Thank you for this opportunity to share some of my experiences with and my observations of my former colleague. Please do not hesitate to contact me if I can provide further information.

Yours Truly,



Loretta M. Lillios  
BBO No. 635588  
508-653-0812

Attorney Stacey Best  
Board of Bar Overseers  
99 High Street  
Boston, MA

Dear Attorney Best;

I write this letter of support, without reservation, on behalf of John Verner.

By way of background, I have been a sworn member of the Cambridge Police Department since 2001. Over the course of my career I have held the ranks of Patrol Officer, Detective, Sergeant, Lieutenant, and presently Deputy Superintendent. As a Deputy Superintendent, I serve as a command staff member that oversees over 400 sworn and non-sworn employees. Since 2012, I have been a licensed attorney in the Commonwealth of Massachusetts.

When I first joined the police department, John had already distinguished himself as a District Court prosecutor for the Middlesex District Attorney's Office. John established his professionalism early on among officers, judges, peers, and defense counsel.

John's abilities quickly lead him to advance as a prosecutor, to Superior Court, at the Middlesex District Attorney's Office. In this role, John was responsible for prosecuting homicides, and other violent crime, throughout Middlesex County. In one particular Cambridge homicide investigation, I had another opportunity to learn from John. As in all of his prosecutions, John was methodical all the while using fairness and integrity as guides during the investigation and prosecution.

John continued to advance holding supervisory positions in the Middlesex District Attorney's Office, the Massachusetts Office of the Attorney General, and the Suffolk County District Attorney's Office.

I have also had the pleasure to know John's family. John and his wife Kristin, an attorney licensed in Massachusetts, have been long-time residents of West Cambridge. John, a public servant like his father, is a dedicated husband and father to Kristin, Abby, and Jack.

I have known John for over fifteen years and he continues to have my confidence in his capabilities as an attorney. Please feel free to contact me at: (617) 201-338 if you have any questions or concerns.

Regards,

/S/ Rob Lowe

Rob Lowe  
6 Tanglewood Ave  
Billerica, MA 01821

41 Pearl Street  
#2  
Newton, MA 02458  
August 12, 2021

Marianne C. LeBlanc, Chair  
Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Alan D. Rose, Esquire  
Rose Law Partners LLP  
One Beacon Street  
23<sup>rd</sup> Floor  
Boston, MA 02108

Re: John Verner

Dear Chair LeBlanc and Mr. Rose:

I have known John Verner for the past twenty years and have been asked to write a letter of reference to you concerning his character and background as a prosecuting attorney over the past twenty years. I am honored to do so, without any reservation or hesitation.

By way of background, I am an assistant district attorney in the Middlesex District Attorney's Office and have been so for the past forty years. I have held supervisory positions in the District Attorney's Office for over thirty-six years and presently am in charge of the homicide unit. I had the opportunity to observe John's growth and development into a talented trial attorney working his way up through the ranks in the office from district court prosecutor in the Cambridge District Court, to district court supervisor in Cambridge and Lowell District Courts, to superior court prosecutor and then chief of the Special Investigations Unit in the office. I was John's direct supervisor when he was a superior court trial prosecutor in addition to supervising his homicide investigations and prosecutions. John and I were co-counsel on a homicide prosecution that was tried twice due to a change in the law that was retroactively applied to the case. I was also his colleague when he was promoted to membership on the senior leadership team in the District Attorney's Office when he became chief of the Special Investigations until he left the office to head the Criminal Bureau of Attorney General's Office. I have also participated with John in various training programs for attorneys run by MCLE and for police officers through various police agencies and departments through the years and, as recently as this year, for local police detectives in Middlesex. Middlesex County is a very busy jurisdiction. As you may know, Middlesex is the largest county in Massachusetts, by population and geography, consisting of thirteen district courts covering 54 cities and towns. I provide this background to highlight my vantage point in making these observations concerning John's abilities as a trial attorney from investigation through prosecution, his character and integrity as an ethical prosecutor, his knowledge of the law and the special ethical responsibilities of a

prosecutor, his commitment to fairness and justice, and his contributions to the legal community and the community at large during his twenty plus years legal career.

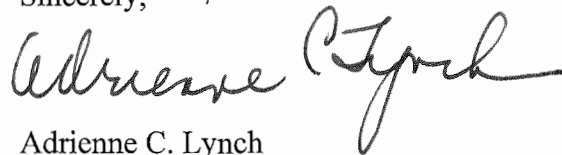
John is a person who has always taken the responsibilities he has been given with the utmost seriousness. He has worked hard to learn the law and stay abreast of new developments in the law. He is a compassionate person who recognizes the impact his decisions in case work have on real people – victims, defendants, the community at large, and on our profession as a whole. He approaches every case with a deep commitment to fairness to the parties and honoring the rights of the accused. Over the years we have had countless discussions concerning how to handle a variety of legal and ethical issues that come up in our work on a daily basis. His reasoning and decisions were not made in haste but were well-thought out, with the pros and cons of each weighed carefully. As he was coming up through the ranks in the office, John was a person who sought supervision and was extremely responsive to it. He has never taken lightly his responsibilities and has consistently worked hard to live up to the highest standards of professionalism. He is also someone who when supervised by more senior attorneys would not ignore or reject directives. John has also provided supervision to numerous attorneys who, in turn, have gone on to become well-respected attorneys and supervisors themselves. Throughout the pendency of the BBO proceedings, I followed the case and, on many occasions, John has spoken to me about ways he could improve as a supervisor in the future. I also know that John has discussed this with other lawyers and judges, with a genuine intent to improve as a supervisor in the future and to stress to younger prosecutors the vital importance of turning over exculpatory evidence.

John enjoys an excellent reputation among his colleagues in the district attorney's office and the defense bar and the law enforcement community, which is well-earned. He has been a great mentor and friend to countless attorneys and police officers and has been generous sharing his time and expertise to assist others making their way through their careers. John has been someone who I have turned to for his perspective on various issues over the years because his opinion in one that I value and hold in esteem.

I hope you will take into consideration the entire body of John's professional work over the past twenty years and will give considerable weight to the great work he has done for the public and the profession in his career.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Adrienne C. Lynch". The signature is written in a cursive style with a large, stylized initial "A".

Adrienne C. Lynch



July 28, 2021

Marianne C. LeBlanc, Chair  
Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Alan D. Rose, Esq.  
Rose Law Partners LLP  
One Beacon Street, 23<sup>rd</sup> Floor  
Boston, MA 02108

Re: Attorney John Verner

Dear Chair LeBlanc and Attorney Rose:

I am aware of the findings of the special hearing officer in connection with the disciplinary matter pending John Verner, and I am writing this letter on his behalf to provide a professional reference with regards to John's professional ethics, morality, integrity, and character. I am also providing a personal reference and view him as a person with the highest attributes a person can have as a human being, father, husband, and friend John is and has been daily in the lives of those who know him.

My name is Robert L. Manning. I am in my 35<sup>th</sup> year as a law enforcement professional in this state. I am a retired Sergeant with the Massachusetts State Police. Currently I am a Captain with a police department at a private area university. During my career with the Massachusetts State Police I had the privilege of working for 20 years assigned to the Suffolk County and Middlesex County District Attorney's Offices. My role as a homicide investigator and supervisor provided me firsthand interaction, experience, knowledge, and accountability with the highest level of attorneys and investigators on both sides of the criminal justice system. In fact, many of my co-workers, attorneys in the DA's Office, I worked with are now Judges, Defense Counsel, Corporate Attorneys, and partners in Private Law Firms. The four District Attorneys I worked for all possessed the highest level of professional, ethical, and moral attributes & conduct in their respective fields. Two of them held higher political offices and their reputations are considered impeccable. Why is this important? The answer is simple. The character, integrity, ethical and moral compass they all possess is still a notch below the character, integrity, moral and ethical compass that John Verner carries himself with both in his professional and personal life.

I had the honor of working with John for many years in the Middlesex District Attorney's Office. I first became involved with John as a young Superior Court ADA



working his way to becoming a leading ADA in the Middlesex County DA's Office. I had the honor of witnessing first-hand the growth, competency, hard work and integrity that John brought to work every day. I had the honor of working side by side with John as he rose to become one of the best criminal prosecutors in this state. I worked every level of criminal investigations with John. Every day I witnessed, learned from, and was taught the highest level of professional ethics and morality from John Verner.

I spent 17 years working for the Middlesex District Attorney's Office conducting homicide investigations. Doing that work with such committed professionals was the highest reward of my professional career. The unit provided me with the high standard of professionalism and integrity and was regarded as the best investigative unit comprised of investigators and prosecutors in this state. Hundreds of homicides and the most serious criminal investigations of every magnitude were investigated and prosecuted by the men and woman of this prestigious office.

John Verner sits atop the list of these great attorneys for the hard work, outstanding level of professional conduct, ability to hold all those involved in an investigation and prosecution to the highest level of integrity and moral character. There was never a question of the accountability and honesty anyone who was working with John would possess, 100% of the time. John instilled this in all facets of our work, the work of his fellow ADA's and the work of whomever was the Defense Counsel involved with any facet of the investigation and/or prosecution. John Verner not only understood and displayed the highest level of professional accountability he instilled it, he taught it, and he demanded it in every facet of your work, every day, day-in / day-out.

I will attest that John Verner sits atop of this impeccable list of such esteemed men and woman. This comment goes without question, uncertainty, and comes from a person who devoted countless hours of his professional and personal life to working with and witnessing the highest level of professional conduct from these individuals. John Verner and I worked countless hours, days, weeks, months, and years on numerous high level criminal investigations and prosecutions. From homicides, to wire taps, to abuse, to terrorism, to police involved deadly force, to various forms of white collar and political corruption incidents John was the leader and driving force behind the accountability, integrity, ethical and professional standards of all those involved. From lawyers to law enforcement officers, to staff, to victims and victim's families, to forensic and professional witnesses & experts, John maintained and demanded the highest level of professional integrity in all aspects of the work being done. I can attest and speak for myself along with countless of co-workers within my profession that John Verner has the utmost respect, confidence, trust, and admiration as one of the most accomplished prosecutors in this state.

Personally, I have throughout the years had the honor and privilege of developing more than a professional relationship with John. I very proudly proclaim that John Verner is a friend. He is not only a friend he is a person in my life who I have grown



to love, respect and count on. As I am sure, I am not the only person in life who is very guarded and diligent in developing those friendships that truly define the relationship. Maybe it's because of the work, maybe it's because of the experiences shared through our professional lives, and maybe it's because the standards we work by also carry over into our personal lives. I don't exactly know why but when a person, when a human being can have such a profound impact on another, I am the type of person who grasps ahold of that relationship and cherishes it. John is one of those people in my life. John is a devoted friend. He is trustworthy, honest, loyal, and caring. He is there with sound advice and his devotion and loyalty are always based on the foundation of honesty, integrity, and high moral character. But why would they not. John is a family man. He is the proud husband and father to his wife and two children. John's love and devotion to his family are stronger than the foundation of every aspect of his professional career. John's loyalty to his family and friends is built through the strong character that was instilled from growing up with his mother, father, and brother. He continued to develop special relationships through his college years and into his young professional life. John took these characteristics to the next level when he found the love and partner of his life with his wife Kristin. John has formed this love and commitment by having a wonderful and loving family. Together with his wife and two children John has a devoted family that shares their love and admiration for their husband and father. I have had the privilege of witnessing this special bond and love. I can attest that it is with the same level of honesty, integrity, devotion that John has professionally that he displays even stronger and higher with his family and friends. John is the type of person that his friends all cherish and respect. I have had the pleasure of meeting some of John's friends from other aspects of his life. When we have spoken about our relationships with John the same level of respect and love comes from each person. Honesty, trustworthy, loyal, ability to be counted on, impeccable character are all comments that are shared by the people that love John.

I am proud to stand for, stand by and stand with this man of the highest level of the characteristics we, as people, should strive to maintain. To anyone or any group of people who are questioning, judging, or wondering what this man's integrity and devotion to the highest level of professional standards are please look no farther. John Verner is so much more than this pending ethics case. He has done so much good in his career that should not be dwarfed by one well-publicized set of allegations. Please understand that this person, John Verner, is without any doubt a person of the highest level of integrity, character, ethical & moral accountability both in his professional and personal lives. I have witnessed it and I will witness it for many, many years to come.

Respectfully,

  
Robert L. Manning

Sergeant, Massachusetts State Police (RET)  
Captain, Lasell University Police Department

Stacey A. L. Best  
Assistant Bar Counsel  
Office of Bar Counsel, Board of Bar Overseers  
99 High Street  
Boston, MA

My name is Frank McLaughlin. I am a detective with the Boston Police Homicide Unit. I am writing to you in support of John Verner. In one sense this is a simple letter to pen. But in another way, it is hard to get across in a few paragraphs how impressed I am with John Verner, both as a lawyer and as a human being.

I first met John a few years back, just after he came to work at the Suffolk County District Attorney's office. His first two homicide trials in Suffolk County were with my partners and me. When he was assigned to our first case, I knew nothing about him.

As homicide investigators in Suffolk County, we are generally a bit skeptical of any attorney who has never tried a case here. We have always heard from ADA's as well as defense attorneys that one of the toughest places to try a homicide case is in Superior Court in Boston. We sometimes worry that others assigned to the cases may not be as committed to the trial and the process as we are. We found out very quickly that we had nothing to worry about when it came to John Verner.

When we started prepping for our first trial with John, we were all immediately impressed by him. John was 1000% committed to the case and the family of the deceased. With John Verner, it was never about a win or a loss. It was about the families who were left behind suffering. It was about compassion. It was about justice, but above all it was about a fair and just process.

While we were on trial a few issues arose, as they always do. John never flinched. He immediately contacted the defense attorneys of any and all issues that came up, no matter how small. Quite frankly there was at least one time that we didn't even think things had to be mentioned but John did not hesitate.

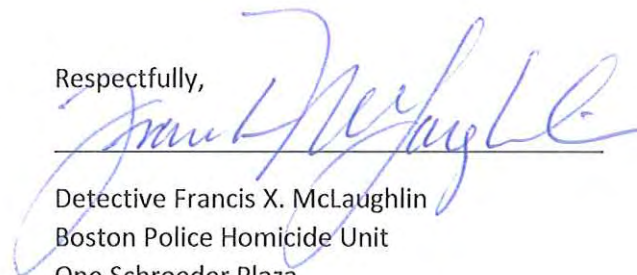


We had two witnesses, one who had fled to the Dominican Republic, the other to Puerto Rico, who were both scheduled to testify. These witnesses knew each other but we never told either of them that the other was testifying. Somehow, they figured it out and met up the night before they were to testify.

We had no legal reason to keep them from talking to each other, and, in my opinion, we had no obligation to notify defense counsel. We all know witnesses talk to each other all the time. But given what we had gone through to get these two witnesses to court, along with the importance of their testimony to the case, we immediately notified John as soon as we found out, and he, in turn, immediately notified defense counsel. John was more open and transparent in every aspect of these cases than I had ever experienced. That is not in any way to say that other lawyers were doing anything wrong. Rather it is a credit to how open and honest I have always found John to be.

What has impressed me most about John is his commitment to his job, his victims and at the same time, he does not short change his own family. His commitment to fairness, professionalism and justice is perfectly balanced. Personally, I think he is one of the top attorneys in the Suffolk County DA's Office. I greatly appreciate your taking the time to complete the process that I hope will clear John's name.

Respectfully,



Detective Francis X. McLaughlin  
Boston Police Homicide Unit  
One Schroeder Plaza  
Boston, MA 02120



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August 13, 2021

Trustees  
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Arthur B. Page  
Joan Garrity Flynn  
Nancy B. Gardiner  
Kurt F. Somerville  
Teresa A. Belmonte  
Brian C. Broderick  
Charles Fayerweather  
Nancy E. Dempze  
Joseph L. Bierwirth, Jr.  
Dennis R. Delaney  
Mark B. Elefante  
John J. Siciliano  
Sarah M. Waelchli  
M. Bradford Bedingfield  
Charles R. Platt  
M. Patrick Moore, Jr.  
Ryan P. McManus  
Kevin M. Ellis

Marianne C. LeBlanc, Chair  
Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Alan D. Rose, Esq.  
Rose Law Partners LLP  
One Beacon Street, 23rd Floor  
Boston, MA 02108

Re: Attorney John Verner

Dear Chair LeBlanc and Attorney Rose:

I write in support of my former colleague, John C. Verner, who I know to be a hard-working and dedicated public servant.

John and I met at the Attorney General's Office, where we were both chiefs of our respective bureaus: John was Criminal Bureau Chief and I was Government Bureau Chief. The bureau chief experience is unique, at once immensely rewarding and relentlessly challenging. I used to advise new chiefs to give themselves six months to adapt to the pace and sheer volume of decision-making. Bureau chiefs have to manage both up and down, keeping the Executive Division apprised of major developments, supporting mid-level division chiefs in their supervisory work and helping line attorneys develop strategy or make other crucial decisions on major cases. And that is just the litigation-related work. There is a heavy load of administrative work, as well. As a result, nothing can fully occupy your attention for sustained periods of time. You might be intensely involved in a case for a while, but there would always be other demands requiring you to shift your attention. In the end, you would have to trust the hard work and professionalism of your team to ensure that the work met the AGO's usually exacting standards.

Michael E. Porter  
Eleanor A. Evans  
Johanna W. Schneider  
Jennifer G. Miller

Donna A. Mizrahi  
Paul M. Cathcart, Jr.  
Vanessa A. Arslanian  
Steven L. Mangold  
Meaghan E. Borys  
Keirsa K. Johnson  
Leni B. Nulsen  
Lawrence T. Perera  
George T. Shaw  
Michael B. Elefante  
Susan Hughes Banning  
Frederic J. Marx  
Deborah J. Hall  
R. Robert Woodburn  
Thomas L. Guidi  
Diane C. Tillotson

August 13, 2021  
Page 2

I have always said that being a Bureau Chief at the AGO is the best litigation job in the Commonwealth. It is a privilege few get to enjoy. I know that John and I both treated it that way, with gratitude for the opportunity and respect for the responsibility.

Sincerely,



Jennifer Grace Miller

10 Bainbridge Road  
Reading, MA 01867

August 12, 2021

Marianne C. LeBlanc, Chair  
Board of Bar Overseers  
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Boston, MA 02110

Alan D. Rose, Esq.  
Rose Law Partners LLP  
One Beacon Street, 23rd Floor  
Boston, MA 02108

Re: Attorney John Verner

Dear Chair LeBlanc and Attorney Rose:

It is my pleasure to write to you on behalf of John Verner. I have been a member in good standing of the Massachusetts bar since 2003. As a law clerk to the Justices of the Superior Court, a veteran prosecutor for 14 years, and a current assistant clerk in the Superior Court for the last 3 years, I have worked with and observed countless attorneys. John Verner is one of the most highly skilled and ethical attorneys I have encountered in my practice. He is also an outstanding supervisor who has dedicated his career to the pursuit of justice with a commitment to the Rules of Professional Conduct and the ethical canons of our practice.

I began working with John in 2004, when I joined the Middlesex District Attorney's Office (MDAO) as a new assistant district attorney in the District Courts. At the time, John was a Superior Court prosecutor who oversaw a highly sensitive program managing confidential informants for the MDAO. I interacted with John whenever a defendant in a case I was prosecuting sought to work as a confidential informant, and John would evaluate his or her eligibility and progress. Despite the heavy workload of an assistant district attorney, John provided timely responses to any questions I had, and it was clear that he was diligent in monitoring the progress of all of the informants. On several occasions, he reached out to me when he learned of ethical issues that arose with my defendants/informants. In each case, he took the time to explain to me, an inexperienced prosecutor at the time, what the ethical issue was, how he recommended I address it, and why I should handle it in the manner he described.

In 2008, I was promoted to Superior Court and offered the opportunity to decide which MDAO unit to join. At the time, John had risen to become Chief of the Special Investigations Unit. John had a stellar reputation in the office and was known as a brilliant prosecutor. As a supervisor, he was known as someone who was invested in the careers and success of his team members. Based on his reputation and the interactions I had with John as a district court prosecutor, I enthusiastically decided to work in the Special Investigations Unit under his supervision.

As Chief of the Special Investigations Unit, John had numerous responsibilities that were vital to the operation of a district attorney's office and that were, for the most part, beyond those shared by other division chiefs. John was responsible for supervising 5-6 other prosecutors, two paralegals, one support



staff, and rotating interns. The Special Investigations Unit handled the MDAO's most complex and politically sensitive cases/investigations. If John was not handling these cases himself, he would assign them to his team members and monitor their progress. John continued to handle the MDAO's confidential informant program and personally determined the eligibility of any defendant who wanted to enter into a cooperation agreement with the MDAO. John also oversaw the Asset Forfeitures Unit which was responsible for recovering assets on behalf of the MDAO and police departments, as well as the Cyber Unit which handled, among other tasks, the hundreds of administrative subpoena requests that the MDAO received annually. Furthermore, John was responsible for reviewing and analyzing all allegations of police misconduct brought by both private citizens and by local police chiefs. Finally, as the chief of a unit, John was part of the MDAO's Executive Leadership Team and regularly participated in weekly meetings where he helped to shape the direction of the MDAO. John did all of this amazingly well while also personally prosecuting homicides which are critical and the MDAO's most important cases.

I worked under John's supervision from 2008 until he left the MDAO to join the Attorney General's Office in 2012. From my view, John performed all of the duties I described with seriousness, commitment, dedication, and collegiality. John was, without question, the best supervisor I had among nine other supervisors during my tenure at the MDAO. John did not lecture, but worked with me and asked the right questions to help me think through an issue and guide me to the right conclusion.

The amount of work on John's plate at the MDAO was immense and prone to potentially catastrophic consequences should, for example, a murder investigation, police misconduct complaint, or confidential informant agreement be mishandled. Despite the demands and pressures of the job, John's performance of his duties was exemplary. John actively promoted an open-door policy where team members were encouraged to talk to him at any time about anything. I believe he promoted that open door policy because he wanted to avoid mistakes or something falling through the cracks, and he wanted to ensure that his team members were successful in their jobs. I never felt that he could not make time for me to work through a particular issue or talk about a case. Indeed, John made himself available to me in the early mornings, late evenings, weekends, and holidays.

John provided excellent guidance whenever I was working through a question of ethical obligations. In those times, John would err on the side of caution. When evaluating whether a case should be prosecuted, John would not allow me to proceed without a good faith belief that it could be proven beyond a reasonable doubt in court. He would not allow me to put a witness on the stand if I had concerns about whether he or she would testify truthfully. If there was a question as to whether information was discoverable, John would guide or instruct me to produce it. In fact, I cannot recall a single instance where he advised me not to turn over evidence or information to the defense. John's practice was to disclose more information that was related to a case or a defendant, even if that information was not exculpatory or otherwise required to be disclosed by the law. John also would not allow similarly situated defendants to be treated differently. He would not approve a sentencing recommendation that was not just and justifiable. John always conducted himself ethically and always encouraged others to do the same.

While John's professionalism and commitment to ethics permeated his work at the MDAO, I wanted to share two specific example that I recall:

In 2008, I was preparing for my first Superior Court trial and conducted a meeting with a witness who, under the supervision of police, purchased drugs from the defendant. I learned for the first time during the meeting that the witness, upon receiving the drugs, taste-tested them in front of the defendant, which the witness was not supposed to have done. As I was relaying this information to John following the meeting, he interrupted me to say "You know you have to turn that over, right?". At the time he said that, I had not begun to process the ethical implications of the witness's disclosure but to John it was second-nature.

I also recall a case where John and I had crafted a sentencing recommendation for the defendant with due consideration of all relevant factors. This particular defendant enlisted the help of a prominent State Representative to lobby the MDAO to change the recommendation. We faced both internal and external pressure to change the recommendation. John and I discussed the matter further, determined that the recommendation was fair, just, and in line with similarly situated cases, and decided to hold firm. The matter was ultimately brought to the attention of the district attorney who agreed with our decision. I was impressed with John's openness to re-assessing the initial decision and his ability to approach the pressure even-handedly, while not allowing politics or privilege to either interfere with our obligations as prosecutors or create an unjust or disparate outcome.

Lastly, I was always impressed with how well John worked with defense attorneys and the relationships that he developed with them. Although an adversarial judicial system exists, John never behaved in an adversarial manner with the opposing side. I know that defense attorneys enjoyed working with him and believe this is because John was known to be honest, forthcoming, fair, and diligent, and the attorneys clearly admired these traits. As a prosecutor, I frequently asked myself "How would John handle this" when communicating with defense attorneys.

It is my observation, from nearly 10 years of working with and for John Verner, that his commitment and dedication to the Rules of Professional Conduct, the ethical canons of our practice, and the pursuit of justice are unwavering. Thank you for your time and I hope that you take my observations of John into consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Nagengast", with a long horizontal flourish extending to the right.

Doug Nagengast

(617) 462-4171

Joseph Palazzo  
210 Great Falls Street  
Falls Church, Virginia 22046

Marianne C. LeBlanc, Chair  
Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Alan D. Rose, Esq.  
Rose Law Partners LLP  
One Beacon Street, 23<sup>rd</sup> Floor  
Boston, MA 02108

July 23, 2021

Re: Attorney John Verner

Dear Chair LeBlanc and Attorney Rose:

I write in support of John Verner and to share my experiences with him as a professional mentor. Outside of my family, no one has played a greater role in teaching me the importance of ethics and the advancement of justice in the daily work of a prosecutor than John.

After spending a year in private practice after graduating law school in 2007, I joined the Middlesex District Attorney's Office (MDAO) as an Assistant District Attorney in 2008. My primary responsibility from 2008 until 2011 was to manage the office's criminal and civil forfeiture docket as the most junior member of the MDAO's Special Investigations Unit. Throughout that period, John trained and supervised me directly, while he also supervised the entire unit and personally prosecuted many of MDAO's most sensitive and complex cases. Today I look back and can only marvel at the countless hours John spent with me patiently discussing my entry-level work in between his meetings to review gang wiretaps or to prepare a scientific expert for a homicide trial.

John's training and mentorship rarely focused on winning my assigned cases. From my first to last day at MDAO, John's emphasis was always to advance justice holistically. This often meant exercising prosecutorial discretion not to pursue certain charges, not to litigate certain issues, and not to pursue the forfeiture of certain assets – no matter the overwhelming strength of the government's case. For example, while the law allows for seizure and forfeiture of a vehicle or any property used to facilitate a drug offense, John taught me to respect this law enforcement measure and to wield it only when appropriate. He trained me to consider the individual circumstances and impact on the everyday life of the defendant and his/her family that a seizure and forfeiture could have. He reminded me that a car involved in a petty drug transaction might be a child's only way to get to school or a mother's only way to get to work. Despite the ability to legally succeed in such instances, John left little doubt that justice would not be served in such cases. Under John's tutelage and encouragement, MDAO also aggressively sought the return of tens of thousands of dollars to people who had cash seized by police but were never prosecuted.

During my tenure at MDAO, I handled hundreds of criminal and civil matters, including

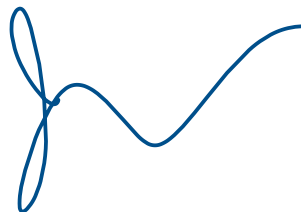
investigations, motions practice, presenting evidence in the grand jury, conducting discovery, and trials. All along the way, ethical and professional conduct was John's primary concern. It meant quickly admitting mistakes and being transparent with the court and with defense counsel. It sometimes meant questioning the work or judgment of police officers, supervisors, and detectives, and pushing them to keep investigating. And often times it meant forgiving missed deadlines by defense counsel, or allowing defense counsel to amend or refile a pleading – often to the detriment of MDAO's case, but in the greater interest of fairness and justice. I admittedly found this to be very frustrating guidance from John at times, but he was unwavering and I now deeply appreciate his insight. "What good is it for the government to win on a technicality and deny someone their day in court?" he would rhetorically ask me.

According to John, a public servant's first job was to demonstrate respect to everyone, from court personnel to the most anti-social defendant and their counsel. But John also taught me to be fair and compassionate outside of the courtroom. In one instance, rather than permit me to hastily admonish a longstanding but underperforming administrative employee, John guided me into a series of discussions with the employee about their homelife, helping me to gain understanding of unique personal challenges that were seeping into the employee's performance that were easily solved with simple workplace flexibility. In another example, John suggested and encouraged me to make time in my busy court schedule to occasionally teach drug awareness seminars to local students and to conduct drug abuse recognition classes to public school teachers in the area. Although it did not affect the advancement of my cases, John's progressive mindset at the time was that his prosecutors' time was just as beneficial preventing new cases as it was prosecuting them.

The idea that a prosecutor's job is to serve the public by administering justice fairly and proportionally has resonated with me since my time working under John. Today I supervise thirty attorneys and investigators as a deputy chief prosecutor at the United States Department of Justice in Washington, DC. Aside from prosecuting federal cases involving public corruption, money laundering, and drug trafficking, part of my regular responsibility is to train and mentor young prosecutors. John's leadership in the area of prosecutorial ethics continues to guide me in the discharge of all my duties. His advice and example to me as an inexperienced Assistant District Attorney are invaluable.

I offer this insight in light of the Special Hearing Officer's report in John's case, because John is so much more than the findings capture. Please do not hesitate to contact me to elaborate further on my impressions of John and the impact he has made on my career.

Respectfully,

A handwritten signature in blue ink, consisting of a large loop on the left and a wavy line extending to the right.

**Iglehart &  
Porges**

Attorneys at Law

**Kelli Porges**

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857-203-7763 office

**617-335-3398 cell & jail**

kelli@iglehartandporges.com

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August 26, 2019

Attorney Stacey Best  
Assistant Bar Counsel  
99 High Street  
Boston, MA 02110

Dear Attorney Best,

I hope this letter finds you well. Thank you for taking the time to consider my experiences and opinions of John. I am familiar with the investigation and the allegations directed at him during his tenure at the AG's office and I am privileged to stand up for him. I was a public defender for 15 years before entering private practice and the bulk of my cases are still indigent client facing substantial jail time. John prosecuted one of those clients faced with first degree murder and we tried the case this past fall in Suffolk Superior Court. It was a pleasure and a learning experience to have a case with him.

John's discovery practice is unique and far above board. Frequently John would call me on speaker phone with the detectives involved in the case so we could all have an open conversation about the case and any discovery. On more than one occasion John invited me into his office to go thru his file and helped me open some video surveillance with the help of his IT department. I believe I only lodged one or two objections during the whole two week trial because John practices within the confines of the law and rules of evidence. He even took it upon himself to ask me if I was going to file a motion to suppress my client's statement as he noticed there was a possible constitutional issue.

I would be remiss not to mention I consider John a friend. He has such passion and respect for his position as a prosecutor. John understands the huge responsibility he owes to the state of Massachusetts, the victim's and their families and the accused. His compassion and respect for not only the victim's family, but also my client's family in our recent trial was nothing short of humbling.

Prosecutorial misconduct and anything that puts a finger on the scale of justice is intolerable. My career has and will center on indigent defense and representing the most vulnerable populations. I wish all the prosecutors I worked with had John Verner's integrity, compassion and foresight.

Yours Truly

Kelli Porges





**OFFICE OF SUFFOLK COUNTY  
DISTRICT ATTORNEY RACHAEL ROLLINS**

HELP HEAL • BE BRAVE • SERVE HUMBLLY • RESPECT EVERYONE • WORK SMART

August 16, 2021

Marianne C. LeBlanc, Chair  
Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Alan D. Rose, Esq.  
Rose Law Partners LLP  
One Beacon Street, 23<sup>rd</sup> Floor  
Boston, MA 02108

Re: Assistant District Attorney John Verner

Dear Chair LeBlanc and Attorney Rose:

I am writing in support of John Verner.

I did not know John before I was elected District Attorney. During the last 32 months that I have had the privilege of holding this office, however, I have had several substantial interactions with John. I can say with confidence that he is an incredibly hard working, decent, and kind man who has integrity and character. I have personally seen him speak to survivors of homicide, families of defendants, and community members. Every interaction was handled with care, respect and compassion.

I chose to make John a part of my senior leadership team when I asked him to run PUSH (Project for Unsolved Suffolk Homicides), a program I created after taking office. In that role, he trains staff on how to review a homicide file and then oversees dozens of those reviews at any given time. We have a backlog of over 1,300 unsolved homicides in Suffolk County dating back to the 1960s. PUSH is one of my most important initiatives. John is also a member of the Homicide Unit, where he maintains a large caseload of indicted homicide cases, both recent and significantly older. He is also one of a small handful of seasoned attorneys in the office that I permit to present officer-involved shootings and excessive force allegations to my Discharge Integrity Team.

In the nearly three years that I have worked with John, I have made the following observations. He is an exceptional lawyer. He works incredibly hard. And, he is compassionate and thoughtful with every decision he makes in some of the most violent and serious cases handled

in our Commonwealth. Accordingly, I have entrusted John with handling some of the most complex and significant matters we are facing, like juvenile brain development. John is overseeing the two seminal juvenile brain development cases in the Commonwealth. Recently, we proposed the extraordinary and appropriate position that there should be individualized sentencing for any 18 to 20-year-old convicted of first degree murder. This would require a judge to specifically find an 18 to 20-year-old individual “irretrievably depraved” prior to imposing a life sentence without the possibility of parole. This remains one of my proudest professional achievements. By filing the brief declaring our position, we became the first District Attorney’s office in the country to publicly propose such a position to its state’s highest court as we stated ours to the Supreme Judicial Court. Even prior to filing the brief, I was met with significant opposition and personal attacks. See: <https://www.bostonglobe.com/2020/07/08/metro/other-das-undermine-rachael-rollins-will-voters-who-elected-her/>. I chose John to lead the charge.

The Special Hearing Officer found that John failed to follow-up on a supervisee and lacked diligence in 2013. Some eight years later, in 2021, John is one of the most diligent and conscientious attorneys I have had the privilege of working with. He has humility and grace. None of us is our best or worst moment. I ask that you look at the mosaic of this man’s career and recognize that he has learned from this situation. Further, I humbly suggest that the last eight years have been enough of a deterrent. Thank you for your consideration.

Sincerely,



Rachael Rollins  
District Attorney  
For the Suffolk District

STEVEN J. SACK, ESQUIRE

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19 BEACON STREET  
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FAX (617) 227-0255  
e mail sacklaw@yahoo.com

August 26, 2019

Stacey Best, Esq.  
Assistant Bar Counsel  
Office of the Bar Counsel  
99 High Street  
Boston, MA 02110

Re: John Verner

Dear Ms. Best:

I am writing this letter in support of John Verner, whom I understand is the subject of a complaint being investigated by your office.

I first met Mr. Verner shortly after he joined the Suffolk County District Attorney's Office, and he prosecuted a first degree murder case against a client whom I had been appointed to represent. Mr. Verner was receptive to not just hearing defense counsel's point of view, but actually listening to and responding to it. Unlike many other assistant district attorneys, he was extremely responsive to discovery requests and actually seemed to go out of his way to make sure there was a balanced playing field between the prosecution and the defense. This is something I rarely experienced in my forty years as a criminal defense lawyer.

The case I refer to culminated in a month long trial. During the course of the trial, when Mr. Verner learned of new discovery, including last minute statements, he immediately informed me and the other defense counsel. When I say immediately, I mean within hours and sometimes even minutes after he learned of them. Again, Mr. Verner exhibited a level of awareness of his discovery obligations and diligence in carrying them out that I had rarely, if ever, experienced. Additionally, in a high stakes homicide trial, it is extremely difficult for a prosecutor to maintain a balance between treating defendants and defense counsel with courtesy and respect while advocating for the Commonwealth with the decedent's family rightfully monitoring everything that occurs. Mr. Verner was able maintain that delicate balance with grace and skill.



Since that trial which took place in 2018, I have had other interactions with Mr. Verner which only reaffirm by belief that he has comported himself with high ethical standards both as a lawyer and as a human being. I am hopeful that you will consider this letter in your investigation of Mr. Verner, and I am happy to provide you with any additional information or details you feel may be helpful in your investigation.

Very truly yours,

A handwritten signature in cursive script that reads "Steven J. Sack". The signature is written in dark ink and is positioned above the printed name.

Steven J. Sack



THE LAW OFFICES OF  
**ROBERT F. SHAW, JR**

Cambridge Riverview Center  
245 First Street, 18<sup>th</sup> Floor  
Cambridge, MA 02142  
Telephone: (617) 737-0110  
Facsimile: (617) 812-7744

On the Web  
[www.RFSLawOffices.com](http://www.RFSLawOffices.com)  
[Shaw@RFSLawOffices.com](mailto:Shaw@RFSLawOffices.com)

August 2, 2021

Marianne C. LeBlanc, Chair  
Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Alan D. Rose, Esq.  
Rose Law Partners LLP  
One Beacon Street, 23<sup>rd</sup> Floor  
Boston, MA 02108

Re. Attorney John C. Verner

Dear Chair LeBlanc & Special Hearing Officer Rose:

I have been engaged in the practice of law in the Commonwealth of Massachusetts for approximately 24 years. I have handled cases at every level of our judicial system, the vast majority of which have involved serious criminal charges. During the past 14 years, my case load has been comprised primarily of homicide cases. Through my work I have been exposed to numerous prosecutors in varied circumstances. I have never spoken in favor of a prosecutor as I am today. I felt compelled to communicate what I know about John Verner.

Homicide cases are some of the hardest fought, most complex, high stakes cases in our criminal legal system. The tragic and heartbreaking loss of life and liberty reverberates far and wide amidst the loved ones of victims and defendants. These cases are highly emotional for all involved, and the pressures on counsel can be immense. As a participant and an observer, I have come to believe that truly fulfilling the obligations of a prosecutor in such circumstances requires an exceedingly high level of integrity. One must have an overriding dedication to what is right and just, even when that obligation runs counter to the apparent, immediate interests of the case at hand.

I can say to you without any hesitation that in my legal career no prosecutor has fulfilled that role with greater distinction than John Verner. I worked on the opposite side of Mr. Verner in a recent, very substantial murder case for approximately three years. The case bore all the hallmarks of what makes murder

cases exceedingly difficult. A beautiful young child had been killed. The evidence was vigorously contested. The case gave rise to many complex issues, resulting in pre-direct appeal litigation at all levels of our system over nearly two decades. Serious claims surrounding the failure to disclose evidence years before Mr. Verner became involved were at issue. At the time Mr. Verner took over as the lead trial prosecutor, demands for documents had been pending and disputed for years.

Mr. Verner's presence and involvement transformed the dynamic of the case. Issues brought to his attention were scrutinized in a careful, thorough, and evenhanded manner. Documentation was swiftly provided in what amounted to a true "open file" policy, and Mr. Verner was vigilant in ensuring that no outstanding discovery issues remained. In all aspects of the case Mr. Verner was exceedingly accessible and authentic. He capably fulfilled the obligations his role as a prosecutor imposed upon him, but he did so in a manner that was considered, direct, honest, and fair. I could always trust and rely upon what he told me. There was never an instance when he said one thing and then did another.

Ours is undoubtedly a very human legal system. That is perhaps its source of greatest vulnerability and error, while at the same time its greatest strength. What I know with confidence is we are a far, far better legal system for having the likes of John Verner among us. He is, in a word, exceptional. For all the reasons set forth above, I hold him in the highest esteem.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Shaw, Jr.", written in a cursive style.

Robert F. Shaw, Jr.

RFS/gj

August 11, 2021

Marianne C. LeBlanc, Chair  
Board of Bar Overseers  
99 High Street  
Boston, MA 02110

Alan D. Rose, Esq.  
Rose Law Partners LLP  
One Beacon Street, 23rd Floor  
Boston, MA 02108

Re: Attorney John Verner

Dear Chair LeBlanc and Attorney Rose:

I am providing this letter for your consideration as mitigation when determining appropriate sanctions against John Verner based on the Special Hearing Officer's findings dated July 9, 2021.

I first met and had the opportunity to work with John in the Middlesex District Attorney's Office ("MDAO") in 2001. From 2003 to 2007 we worked together in Middlesex Superior Court on an almost daily basis. As prosecutors in the MDAO, John and I had the opportunity to work beside and to be mentored by some of the Commonwealth of Massachusetts most well-respected prosecutors, who instilled in us that as prosecutors our primary obligation was to seek justice, which by its nature mandated that we provide to the defense in a timely manner any and all potentially exculpatory evidence.

In the twenty plus years I have known John, I have known him to strongly adhere to this guiding principle. He has always carried out his responsibilities in a highly professional and ethical manner. I believe your findings in this matter reflect that my observations of John hold true.

In addition to working with John in the MDAO, I served in the role of Criminal Bureau Chief in the Massachusetts Attorney General's Office ("AGO") from January of 2011 to March of 2012, immediately prior to John assuming that role. As Bureau Chief, I was responsible for high level oversight over hundreds of investigations and prosecutions covering a broad array of criminal activity, as well as the supervision of over one hundred attorneys, state police, civilian fraud investigators, paralegals and support staff. In my experience, the Bureau Chief's daily schedule most often began with meetings starting at 8AM and ran right through until 6PM or later. Any open calendar time was often filled by an unscheduled drop in, responding to countless emails, calls or requests to report up to Executive to discuss an issue or pending matter. The general responsibilities of the Bureau Chief while I served covered a wide range of areas, including the following:

- Investigation Process

The Massachusetts Attorney General's Office ("AGO") conducts investigations through state police troopers and civilian fraud and financial crime investigators covering an extensive scope of criminal activity, including organized crime, public corruption, major narcotic offenses,

cybercrimes, major white-collar financial crimes, environmental crimes, and insurance and unemployment fraud investigations. The Bureau Chief meets routinely with investigators, attorneys and partnering law enforcement agencies to receive progress updates and to guide the investigative process. In addition, the Bureau Chief reviews search warrants and wiretap applications and oversees the process for utilizing proffer agreements when appropriate.

- Criminal Complaint/Indictment Process

The Bureau Chief is responsible reviewing and approving prosecution memos and providing general oversight and guidance to the criminal complaint and indictment process.

- Prosecution

The Bureau Chief provides general oversight and guidance throughout the litigation of criminal cases, including reviewing and approving plea recommendations, sentencing memoranda and all aspects of the appellate process.

- Administrative Responsibilities

The Bureau Chief is responsible for a vast array of administrative activities, including: weekly scheduled and ad hoc meetings with Executive leadership to discuss Criminal Bureau activities; meeting with state government agency representatives and legislative staff; and representing the AGO at federal and state law enforcement meetings.


As set forth above, the responsibilities of the Bureau Chief are heavy. In order to successfully administer all of those responsibilities, the Bureau Chief would not have the bandwidth to focus considerable amounts of time and attention to a single, or for that matter even a few, investigations or prosecutions to the exclusion of all the other important daily responsibilities that come with the job. The Bureau Chief certainly provides direction, but must also rely on Criminal Bureau attorneys, state police, investigators, paralegals and support staff to perform their duties in a professional and ethical manner.

I hope that my knowledge of John's character, attributes and abilities is of value as you consider the disposition of this case. I included my experience in the role of Criminal Bureau Chief to provide an inside view, including its pressures and expectations, as you evaluate John's actions while he occupied this role.

Thank you for your careful deliberation and please let me know if I can provide any additional information that may be helpful in your consideration of this matter.

Sincerely,

DocuSigned by:

  
1713D65197BC4BC

Christopher J. Walsh

BBO#: 565145

August 29, 2019

Stacey Best  
Assistant Bar Counsel  
99 High Street  
Boston, MA

Dear Attorney Best,

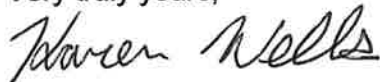
I am writing you regarding my personal and professional experience with Attorney John Verner. I met Attorney Verner in early 2007 when we both worked at the Middlesex District Attorney's Office. Originally we worked in separate divisions but then in September of 2007 I became his Deputy at the "PACT" Unit. (Public Protection, Anti-Terrorism, Corruption and Technology Unit) I can unequivocally state that during the time I worked with Attorney Verner he demonstrated the highest level of professional integrity as a prosecutor. He was respected by his colleagues, supervisors, and subordinates at the office, as well as the defense bar. He also gained the trust and respect of the police, witnesses and victims he helped.

After leaving the Middlesex District Attorney's Office I remained in personal and professional contact with Attorney Verner and our paths crossed frequently while I worked at the Executive Office of Public Safety and Security as the Undersecretary of Law Enforcement and the Massachusetts Gaming Commission as the Director of the Investigations and Enforcement Bureau. Both during the time Attorney Verner worked at the Middlesex District Attorney's Office and then later at the Attorney General's Office, he always maintained the same highest level of competence and professionalism.

Attorney Verner is a career prosecutor because he loves the job and he is a dedicated public servant. He works tirelessly preparing his cases because he feels a genuine sense of duty to the victims he serves who otherwise would have had no voice. He is not a "win at all costs" type of lawyer, rather he is dedicated to doing the right thing the right way. I have tremendous respect for Attorney Verner not only as a prosecutor but also as a person. He is a genuine and decent man who has spent his entire career serving the people of Massachusetts.

I would be happy to speak with you if you have any questions. Thank you for your consideration.

Very truly yours,



Karen Wells  
BBO# 567568  
(617) 997-1757

**ROBERT J. WHEELER, JR.**  
Attorney at Law

50 Congress Street  
Suite 525  
Boston, MA 02109  
617.973.5858  
617.722.0144 Fax  
rjw@rjwheelerlaw.com

August 28, 2019

Stacey Best  
Assistant Bar Counsel  
Office of the Bar Counsel  
99 High Street  
Boston, Massachusetts 02110

Re: John Verner, Esquire

Dear Attorney Best:

I am sending this letter in support of John Verner as I am aware that there is a pending investigation by your office into Mr. Verner's professional conduct.

I must say at the outset that I have not been involved professionally in the case or cases where Mr. Verner's professional conduct is under review and I have no personal knowledge of the facts and circumstances of those cases.

I do, however, have extensive personal knowledge of Mr. Verner's professional conduct and ethics from the many occasions where we have been opposing counsel in criminal cases in Middlesex and Suffolk counties, including when Mr. Verner was Chief of the Criminal Bureau of the Attorney General's Office.

I have been a practicing attorney in Massachusetts for approximately 38 years. I cannot even begin to count the number of criminal cases, including felonies and many murders, that I have handled from arraignment through trial. Through all those years and those many cases, I have never come across a prosecutor with a greater sense of fundamental fairness and professional ethics than Mr. Verner. He has always understood that a prosecutor has great power in the criminal justice system but that the function of a prosecutor is not to simply secure convictions but to ensure that a criminal defendant's constitutional and statutory rights are

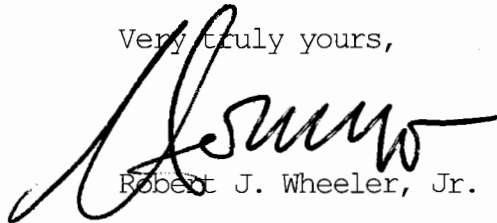
protected. He has understood that only under those circumstances can a conviction, should it be entered, be considered fair and just.

Mr. Verner and I tried a lengthy first-degree murder case on opposing sides approximately ten years ago. That case, Commonwealth v. Thomas Evans, involved a wide variety of scientific evidence and expert testimony, including DNA, cell tower, and crime scene evidence. In the course of the pre-trial preparation, Mr. Verner maintained an open file and we jointly reviewed his entire file on at least two occasions. Mr. Verner's efforts to ensure that the defendant received a fair trial were exceptional.

I hold Mr. Verner in the highest regard as an attorney and prosecutor and as a person.

Please feel free to contact me should you require any additional information.

Very truly yours,

A handwritten signature in cursive script, appearing to read "R. Wheeler, Jr.", written in black ink. The signature is fluid and stylized, with a long horizontal stroke at the end.

Robert J. Wheeler, Jr.



Stacey Best  
Assistant Bar Counsel  
99 High Street  
Boston, MA

August 27, 2019

Dear Attorney Best,

I wanted to send you a letter regarding Attorney John Verner. I was an Assistant District Attorney in Middlesex county for approximately 14 years. During various times I was supervised by John Verner. Attorney Verner was my supervisor for several years in two separate capacities. Specifically, he was my supervisor when I was assigned to the Lowell District Court and then again when I practiced in the Superior Court of Middlesex County.

As my supervisor he always stressed the need for high ethical standards and adherence to the rules of ethics. As an Attorney and a supervisor, he was always looking to do the right thing and act with fairness toward every criminal defendant. I never felt pressure to get a conviction, but instead, understood, under his leadership, that fairness and ethical behavior was always paramount to any conviction at trial or pre-trial plea of guilty.

In closing, I wanted to stress that, I also know John Verner as a person. I know his wife, extended family, and have been to his family home. John is a kind and generous individual. He is not only personable but was always available when needed.

Sincerely,

*Elisha Willis*  
Elisha Willis, Esq.

August 28, 2019

Stacey A. L. Best  
Assistant Bar Counsel  
Office of Bar Counsel  
Massachusetts Board of Bar Overseers  
99 High Street  
Boston, MA 02110  
C/o Attorney Thomas J. Butters

Re: John C. Verner (C1-18-00255238)

Ms. Best:

I write, respectful of the weight of your duties as Assistant Bar Counsel, in order to offer some perspective on the professional standards and ethics of John C. Verner, Esq. Mr. Verner, as you know, is the subject of a petition for discipline brought by your office. At times over almost 20 years, I have worked closely with John and as such, have gained an understanding of the sincerity with which he approaches his ethical and professional responsibilities. I submit my observations cognizant of the breadth of your understanding of the facts underlying the petition; but hopeful that this letter might provide some measure of the person against whom the petition has been brought.

Very early in my legal career, I was fortunate to be appointed to serve as an Assistant District Attorney in Middlesex County, Massachusetts. I started as a line prosecutor in the Cambridge District Court in 1996. During my 12 years as a prosecutor in Middlesex, I served for a time as a Deputy Director of the District Courts. My primary responsibility in that role was managing prosecutors assigned to juvenile cases originating from 12 different district courts throughout the county. It was in that capacity, that I first met John.

John started as an Assistant District Attorney in 2000 and was assigned to the Cambridge District Court where he handled a variety of cases, including juvenile prosecutions. For some time, juvenile cases had not been considered a source of controversy. The focus placed on juvenile cases, however, changed just prior to John joining the office. The Edward O'Brien murder case, passage of the state's first Youthful Offender law, and a devastating school shooting in 1999, had brought a level of import and scrutiny to juvenile cases that had not previously existed. The pressure felt by school administrators and local law enforcement to respond punitively to juvenile crime, was evident and, at times, pervasive. My first professional experience with John involved him navigating those pressures.

Prosecutors, just like all other lawyers, are paid for their judgment. As a prosecutor, if you honor your oath; if you exercise your judgment in a way that seeks to find justice, you can at times, find yourself vulnerable to criticism. And, if you are wrong, if the person for whom you showed leniency goes on to commit a serious crime, you are even more vulnerable. That is particularly true, when you have chosen a more reasonable remedy than recommended by local officials.

From the beginning, John never flinched in his duty as a prosecutor. He learned the facts, presented them in a balanced way, and labored to honor his oath by exercising frank judgment, unmoved by fear or self-interest. Some might dismiss the pressure felt by a young prosecutor working in juvenile court; or perhaps, the significance of John's efforts there. I could not disagree more. At the beginning of his career, surrounded by those with more experience, power, and influence, John stood up for what he believed was right. Always. Over the years to come, I would watch as John was steadily promoted to positions of increasing pressure and responsibility. The values of that young prosecutor, his willingness to stand up for what was right; however, never left him. I have had the privilege of watching him strive to remain true to those values, over and over and over.

John was promoted to Superior Court prosecutions in 2003. He was assigned to begin working on homicide cases in 2004. His first homicide case as the lead A.D.A. went to trial in the spring of 2006. As was the practice at the time, a month before trial, the First Assistant District Attorney assigned me, as a more experienced prosecutor, to second seat John.

The stakes in a homicide case cannot be higher. A first degree murder conviction carries the most severe penalty available in Massachusetts, a sentence of life, without the possibility of parole. The scrutiny applied to such cases is intense. The family members of the victim, the most elite police investigators in the state, the District Attorney and her leaders, each closely follow every decision. Even more, the case on which John took lead for the first time, was high profile. A promising young teacher, beloved by her students, was found strangled in her Cambridge apartment. In the long hours that precede such a trial, I had the opportunity, once again, to observe John's ethics up close.

I watched as John prepared the victim's family and other civilians for their testimony. Treating each person with warmth and dignity, but always careful to remind each of their obligation to limit themselves to the truth. I watched as John demanded precision and accuracy from the investigators—at times in heated, but necessary admonition. And, most importantly, I watched as John established an open, immediate, and forthright line of communication with counsel for the defense. What John knew, defense counsel knew, without delay.

I saw in that trial, the same strength and commitment I had come to know several years before. I saw firsthand how John, facing immeasurable pressure, honored his responsibility to do justice over convenience, and over the temptations of ego that can pervade trial advocacy. Several years later, as I was preparing to leave the office and become an Assistant Attorney General, I made sure to ask that my most complex murder case be reassigned to John. I did so, not out of some loyalty to him; but because I knew that John would bring to that case the professionalism that I had come to expect from him over time.

The responsibility of every prosecutor to advocate for justice often requires a trial, and the public scrutiny of the bench, defense counsel, and the citizens of this Commonwealth. The truth, however, is that a prosecutor's advocacy for justice begins long before the trial. It occurs when the prosecutor incessantly—and at times, loudly, makes the Constitution the foundation of their investigation; by repeating, in conversation after conversation, the grounding principles of

our system of justice. It occurs in the quiet, unremitting hours spent pursuing each doubt with patience and constant energy. And most often, it occurs when the prosecutor chooses not to charge, or chooses some other form of restraint, over executing the full power of the state. While these actions are not public, they are essential to our freedom.

After I left the Middlesex D.A.'s Office, I had the pleasure of working at the Massachusetts Attorney General's Office for just over three years. I left my position as an Assistant Attorney General, just one month before John would be appointed Chief of the Criminal Bureau there. While I worked in a different bureau, managing a smaller group of prosecutors, I came to learn great respect for the role that the Office of the Attorney General plays in our system of justice. I also learned to respect the exhaustive efforts of the prosecutors that work there.

It is an office more distant from the pressure of local politics than other prosecutors, but at the same time is charged with jurisdiction over every municipality in the state—more than 300 towns and cities. The Attorney General empanels its own grand jury, but also runs investigations in each of the grand juries used by the ten different district attorneys. The office is responsible for the most complex, demanding, criminal investigations in state government. As such, it is uniquely equipped to prosecute human trafficking, public corruption, insurance and health care fraud, tax evasion, and many other distinctive crimes. It is a remarkable institution which, in many respects, protects the public in ways that no other state institution can claim. As such, the scope and breadth of the mission of the Attorney General's Office demands a great deal from the prosecutors and managers that seek to carry out that mission.

I know that John held great reverence for his responsibilities as Chief of the Attorney General's Criminal Bureau. I am aware of the long hours that he worked, and of his conviction to manage the affairs of that bureau with genuine regard for his professional obligations.

John has given 20 years of his career to the pursuit of justice. He has tried a number of important cases during that time; but much of his service, like the service of all dedicated prosecutors, has been rendered with overwhelming stamina, outside the courtrooms in which he has practiced. As you continue to undertake your obligations as Assistant Bar Counsel in this case, I ask that you take measure of the depth and quality of John's service to our Commonwealth. It is my hope that this letter serves, in some way, your endeavor.

Thank you for your consideration. If I can provide any assistance in this matter going forward, please do not hesitate to contact me.

Sincerely,



K. Nathaniel Yeager  
57 Riverdale Road  
Concord, MA  
Tel: 617-893-5722

August 29, 2019

Stacey Best, Esq.  
Assistant Bar Counsel  
Board of Bar Overseers  
99 High Street  
Boston, MA

Re: John Verner

Dear Attorney Best:

We write in support of John Verner, whom we have known for the last three years in our capacities as Chief and Deputy Chief of the Homicide Unit for the Suffolk County District Attorney's Office. After serving as the Chief of the Criminal Bureau in the Attorney General's Office, Mr. Verner joined our office in 2016 to coordinate and lead a group within the Homicide Unit dedicated to reviewing and re-investigating unsolved homicide cases. In addition, Mr. Verner also maintains a caseload of current homicide investigations. Given that much, if not all, of his work falls under our supervision, we feel ideally suited to provide insight into Mr. Verner's talents, intellect, work habits, commitment to justice, and most importantly in the current context, his ethics and honesty.

In supervising the cases that Mr. Verner handles, we have found him to be an excellent trial attorney whose courtroom skills and mastery of legal issues sets him apart from the other attorneys in the Homicide Unit. He is a hard and diligent worker who is committed not just to the victims of homicide, but to ensuring that accountability does not come at the expense of ethics. In the time that Mr. Verner has worked with us, we have observed him address challenging ethical questions that have arisen in his cases. In each instance, Mr. Verner navigated the issues impeccably, and in doing so, scrupulously abided by the principles and ideals that are essential to being a fair and just prosecutor. We have never witnessed, or heard of, anything that would cause us to question his integrity.

In closing, we have come to know Mr. Verner as an honest, dedicated, and talented professional. Far more importantly, however, is that we have come to know him as a good and decent person. Ultimately, we hope – and trust – that the Board will see the same.

Very truly yours,



Edmond Zabin and Mark Lee  
BBO #s 563959 and 639523

**Exhibit B**  
*(Board Notices)*

## BOARD OF BAR OVERSEERS

*of the Supreme Judicial Court*  
99 HIGH STREET  
BOSTON, MASSACHUSETTS 02110

617-728-8700  
Fax: 617-482-8000

massbbo.org

### BOARD OF BAR OVERSEERS

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A. CLARISSA WRIGHT

GENERAL COUNSEL  
JOSEPH S. BERMAN

ASSISTANT GENERAL COUNSEL  
PAUL M. REZENDES  
JEFFREY D. WOOLF  
MERLE R. HASS

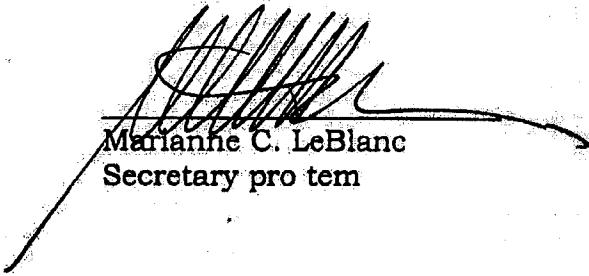
LEGAL PROGRAM MANAGER  
MICHELLE YU

EXECUTIVE DIRECTOR  
GREGORY J. WENGER

In accordance with the Rules of the Board of Bar Overseers, at its meeting held December 9, 2019, the Board of Bar Overseers considered the record in re **Matter of John C. Verner** (C1-18-00255238). After consideration and upon Motion duly made and seconded, it was unanimously

VOTED: to make a preliminary determination to reject the stipulation because (1) the admitted facts are inconsistent with limiting the admitted charges to those involving negligence, and (2) the proposed sanction is too lenient for the admitted facts.

(Ms. English recused herself from the discussion and vote.)



Marianne C. LeBlanc  
Secretary pro tem

## BOARD OF BAR OVERSEERS

*of the Supreme Judicial Court*  
99 HIGH STREET  
BOSTON, MASSACHUSETTS 02110

617-728-8700  
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ERNEST L. SARASON, JR.  
A. CLARISSA WRIGHT

GENERAL COUNSEL  
JOSEPH S. BERMAN

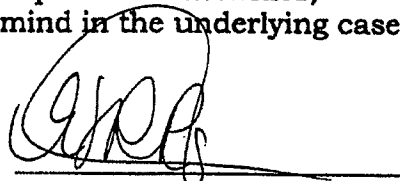
ASSISTANT GENERAL COUNSEL  
PAUL M. REZENDES  
JEFFREY D. WOOLF  
MERLE R. HASS

LEGAL PROGRAMMANAGER  
MICHELLE YU

EXECUTIVE DIRECTOR  
GREGORY J. WENGER

In accordance with the Rules of the Board of Bar Overseers, at its meeting held January 13, 2020, the Board of Bar Overseers considered the record in re **Matter of John C. Verner** (C1-18-00255238). After consideration and upon Motion duly made and seconded, it was unanimously

VOTED: to make a final determination to reject the stipulation of the parties because the parties' recommended sanction and their rationale for it are inconsistent with the facts as alleged in the Petition for Discipline and as admitted in the stipulation as to the Respondent's activities, involvement, and state of mind in the underlying case.



Elizabeth Rodriguez-Ross  
Secretary pro tem



**Exhibit C**  
*(Verner Trainings)*

- 1) MCLE ‘Road Show’ - presentation on narcotics and firearm laws, May 16, 2007.
- 2) MCLE ‘Trial Advocacy’ - presentation on direct examination of police officer witnesses, July 12, 2007.
- 3) MCLE New Procedures in Eyewitness Identification - presentation on “Eyewitness Identification Protocols,” February 25, 2008.
- 4) MCLE Criminal Law Conference - presentation on “Recent Developments in Scientific Evidence,” November 14, 2008.
- 5) MCLE “Special Witnesses at Criminal Trials” - presentation on “Use of cooperating witnesses by the Commonwealth,” November 2009.
- 6) MCLE Criminal Law Conference - presentation on “Cell phones, Sexting and Social Media,” October 22, 2010.
- 7) Co-presenter of a 4 hour legal training on narcotics and firearms at the 80<sup>th</sup> Massachusetts Recruit Training Troop Academy in New Braintree, MA.
- 8) Co-chair of MCLE “Prosecuting and Defending Homicide Cases,” May 21, 2012
- 9) Co-chair of MCLE “Prosecuting and Defending Homicide Cases,” May 17, 2013.
- 10) Co-chair of MCLE “Prosecuting and Defending Homicide Cases,” May 9, 2014.
- 11) Co-chair of MCLE “Prosecuting and Defending Homicide Cases,” May 1, 2015.
- 12) Co-chair of MCLE “Prosecuting and Defending Homicide Cases, May 2016
- 13) Co-chair of MCLE “Prosecuting and Defending Homicide Cases, May 2017
- 14) Boston Bar Association, participant in a panel discussion on “Cutting Edge Topics in Criminal Law,” January 15, 2013.
- 15) “The dangers of texting and driving” - presentation on the consequences of distracted driving, Austin Preparatory School, November 18, 2013.
- 16) “Exploring Careers in the Law” at Harvard College - participant in a panel discussion for undergraduates who are interested in legal careers, November 19, 2013.
- 17) 2013 National Cyber Crime Conference - presentation on “examination of an expert witness,” April 17, 2013.
- 18) 2014 National Cyber Crime Conference - presentation on “examination of an expert witness,” April 29, 2014.

- 19) 2015 National Cyber Crime Conference - presentation on “examination of an expert witness,” April 28, 2015.
- 20) 2016 National Cyber Crime Conference - presentation on “examination of an expert witness,” April 27, 2016.
- 21) 2017 National Cyber Crime Conference - presentation on “examination of an expert witness,” April 26, 2017.
- 22) Medico-Legal Death Investigation- Boston University School of Medicine Forensic Investigation- presentation on “Legal Issues Surrounding Drug Related Deaths,” 2011, 2012 and 2013.
- 23) Boston Bar Association, participant on a panel discussion on “Cutting Edge Topics in Criminal Law,” January 30, 2014.
- 24) Middlesex District Attorney’s Office annual Police Training - presentation on search and seizure law, including electronic communication, and cell phone and digital media on numerous various dates between 2008-2012.
- 25) Office of the Attorney General, Criminal Bureau Search Warrant Trainings, November 14, 2012 and April 10, 2013. Created training agenda and presented on search and seizure of electronic communication.
- 26) Middlesex District Attorney’s Office, June of 2004, 2005 and 2006, Director of Summer Internship Training and Program.
- 27) NEMLEC New Detective Training on “Devices, Records & Tracking Using Devices and Records” – sponsored by NEMLEC at Chelmsford PD. March 17, 2014.
- 28) NEMLEC New Detective Training on “Devices, Records & Tracking Using Devices and Records” – sponsored by NEMLEC at Chelmsford PD. March 24, 2015.
- 29) Advanced Search Warrant Training for Massachusetts State Police Troopers. Presentation discussed search warrants for cell phones, cell towers, GPS devices, Computer Searches. May 21, 2015.
- 30) MCLE “Practicing With Professionalism”- Panel Discussion. September 15, 2014.
- 31) MCLE “Practicing With Professionalism”- Panel Discussion. September 14, 2015.
- 32) Mock Trial Judge and advisor, Boston Prep Charter School- February 2019
- 33) 2015 National Cyber Crime Conference - presentation on “examination of an expert witness,” April, 2016.

34) Mock Trial Presenter and Lecturer at the Office of the Chief Medical Examiner, 2017, 2018 and 2019

35) Boston Bar Association panelist, Hot Topics in Criminal Law, April 30, 2019

36) Boston Bar Association, Hot Topics in Criminal Law, June 14, 2021. Discussion on Juvenile Brain Development.

37) NEMLEC New Detective Training on “Devices, Records & Tracking Using Devices and Records” – sponsored by NEMLEC at Watertown PD, June 11, 2021

In addition, Verner has conducted countless internal trainings for police and prosecutors throughout his career.