

JUDICIAL NOMINATION DATA QUESTIONNAIRE

Please state all business interests and investment holdings in your possession at the time of your nomination, but not personal net worth.

Real Estate:

Vacation cabin (partially completed) on Joe Berry Road, Cornish, ME
One-sixth interest in a one-acre lot of land on Walcott Road, Ashland, MA

Cash and other holdings:

MA Deferred Compensation Program money market accounts
MA State Retirement system account
MA State Employee Credit Union, Boston, MA - IRA and money market accounts
MetroWest Municipal Credit Union, Framingham, MA - checking, money market, and savings accounts
Middlesex Savings Bank, Ashland, MA - IRA and savings accounts
US Savings Bonds

2. Please list any and all law firms you have been associated with during the five years preceding your nomination as well as the names of any members of the bar practicing within the Commonwealth with whom you have been actively associated in the practice of law during the five years immediately preceding your nomination.

Middlesex County District Attorney's Office
15 Commonwealth Avenue
Woburn, MA

3. Please state any and all political contributions made by you, your spouse, or any of your children living at home, to any and all candidates for municipal, state or national office or to any political committees under Chapter 55 of the General Laws during the preceding three years.

On December 2, 2009, I contributed \$100 to the Committee to Elect Martha Coakley to the US Senate.

On April 11, 2010, I contributed \$100 to the Committee to Elect Christopher Doherty (candidate for MA state senate).

I. BIOGRAPHICAL INFORMATION

Full name (include any former names used).

Michael Fabbri is my birth name.

Michael Louis Fabbri is my confirmation name.

2. Addresses: Residential address is discretionary.

3. Date and place of birth.

I was born on November 8, 1954, in Framingham, MA.

4. Citizenship.

I am a citizen of the United States.

5. Education: List each college and law school you attended, including dates of attendance, degree received, and the date granted.

Framingham State College, June 1976 to May 1980, BA Political Science (magna cum laude), granted May 1980.

Northeastern University School of Law, September 1980 to May 1983, JD granted May 1983.

Framingham State College, 1996 to 2003, various night courses (science, education, etc.) once or twice a year.

6. Employment record: List all jobs held since college including the title or description of job, name of employer, location of work, and dates of inclusive employment (include any advisory, consultative, honorary, or other part-time service or positions).

Law School Co-op Internship Employment:

Central MA Legal Services, Fitchburg, MA, from June 1981 to August 1981.

US Attorney's Office, Boston, MA, from December 1981 to February 1982.

MA Attorney General's Office, Boston, MA, from June 1982 to August 1982.

Zalkind & Sheketoff, Boston, MA, from December 1982 to February 1983.

Post Law School Employment:

Associate Attorney with Bikofsky, Walker & Tuttle, in Framingham MA, from August 1983 to July 1985.

Assistant District Attorney with the Middlesex County District Attorney's Office, in Cambridge and Lowell, MA, from August 1985 to June 1992.

Assistant Attorney General with the MA Attorney General's Office, in Boston, MA, from June 1992 to January 1995.

Assistant District Attorney with the Middlesex County District Attorney's Office, in Framingham, Cambridge and Woburn, MA, from January 1995 to the present.

7. Military service: Have you had any military service? If so, give particulars, including dates, branch of service, rank or rate, serial number and present status.

United States Air Force, August 1972 to June 1976, Missile Systems Analyst Specialist (ICBM) and Team Training Instructor, Sergeant (E-4), Honorable Discharge. My serial number was my Social Security number (026-44-9848).

MA State Guard, September 2005 to February 2008, Detachment Commander and Legal Officer, 1LT (O-2), Honorable Discharge. My serial number was my Social Security number _____

8. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition for outstanding service or achievements.

Military:

May 1973 - USAF Technical School Honor Graduate Award for outstanding academic performance.

January 1975 - Missile Master Technician Award for superior job performance, missile system knowledge, and safety record.

May 1975 - designated a Team Training Instructor for new missile system recruits for advanced skills, proficiency and dedication to duty.

Spring 1975 and 1976 - one of two airmen selected to represent Electro-Mechanical Team Branch of the 351st Strategic Missile Wing at the Strategic

Michael Louis Fabbri
13 August 2012

Air Command's (SAC) Annual Olympic Arena Missile Competition at Vandenberg AFB, CA.

Framingham State College:

Dean's List for five semesters.

President's List for three semesters.

1979 - Kathleen Ryan Cominsky Roberts Scholarship Award for academic outstanding performance.

1980 - John F. Kennedy Award and College and Community Award for service to the college's Student Government Association.

2005 - Distinguished Alumni Award from the college's Alumni Association.

Professional:

August 1999 - Middlesex County District Attorney's Award for outstanding service and commitment to the citizens of Middlesex County and colleagues at the office.

September 1999 - Certificate of Commendation from the Tri-County Drug Enforcement Task Force.

October 2000 - Certificate of Commendation from the Tri-County Drug Enforcement Task Force.

May 2002 - Certificate of Outstanding Contributions for participation in the Framingham Citizen Police Academy Program.

May 2004 - Lifetime Achievement Award from the New England Narcotics Enforcement Officers' Association for outstanding contribution in the field of drug enforcement.

December 2008 - Prosecutor of the Year Award by the New England Chapter of the International Association of Financial Crimes Investigators for the work in connection with the case of Commonwealth v. Neil Entwistle.

December 2008 - John Kerry Leadership award for extraordinary management leadership at the Middlesex County District Attorney's Office.

November 2009 - Middlesex County Bar Association's Lifetime Achievement Award.

June 2010 - Prosecutor of the Year Award from the Massachusetts District Attorneys Association.

May 2012 - Order Sons of Italy Grand Lodge MA annual Law Enforcement Award.

May 2012 - Massachusetts Bar Association Prosecutor of the Year Award.

Community:

December 2008 - MetroWest News Person of Distinction for outstanding contributions to the community.

May 2009 - Civilian Public Service Award from the Framingham Police Department. ,

September 2009 - Ashland Citizen of the Year from the Ashland Day Celebration Committee.

9. Professional association:

- (a) List all professional societies of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

I have been a member of the Massachusetts Bar Association for ten years. I have served as a member of the MBA's Criminal Justice Section Council for eight years from July 2002 to July 2004, and from July 2006 to the present. I served as co-chair of the Council for the 2010-2011 program year, and I served as Chair for the 2011-2012 program year. I have participated in the organization's annual Mock Trial Competition for the past three years.

I have been a member of the South Middlesex Bar Association for the past ten years. From 2005 to 2007, I served as a member of the association's executive board.

- (b) List also chairmanships of any committees in professional societies, and memberships on any committees which you believe to be of particular significance.

I have been a member of the MCLE Criminal Justice Advisory Committee since 2006.

- (c) Describe also your participation, if any, on judicial committees or judicial conferences.

1997 to 1999 - Served as the Middlesex County District Attorney's Office representative in the planning and implementation of the Framingham District Court "Drug Court" program.

2011 to present - Member of the Massachusetts Supreme Judicial Court Study Group on Eyewitness Identification.

10. Other memberships: List all organizations other than professional associations or professional societies of which you are or have been a member, including civic, charitable, religious, educational, social, and fraternal organizations.

Veterans Organizations

American Legion – Member since 1996

Framingham Veterans Council - Member and President, 1985 to 1986, instrumental in the town's POW/MIA flag display, erection of Korean and Vietnam War memorials, and re-establishment of Flag Day ceremonies in the town.

Greater Framingham Area Veterans Outreach Center, MetroWest, Inc. - Director, co-founder, treasurer, clerk, 1987 to 1993. The organization provides counseling, advocacy and outreach services to veterans and their dependents.

Massachusetts Vietnam Era Veterans Association - Member, 1978 to 1990, served as President to the Framingham Chapter 1984 to 1987, received Distinguished Service Award in March 1988. The organization was a statewide veteran's support and advocacy group.

Vietnam Veterans of America – Member since 2006.

Civic Organizations

Ashland Day Committee - Volunteer, 2001 to 2004, and 2006 to the present. The organization is responsible for the planning and promotion of the town's annual celebration activities.

Boy Scouts of America, Troop 2 Ashland, MA - Merit badge counselor and general volunteer, 2003 to the present.

Framingham Celebration Committee, Inc. - Member, 1986 to 1997, co-founder, served as co-chair, corporate clerk and director. The organization was responsible for the planning and promotion of the town's annual Flag Day Weekend activities.

Framingham State College Alumni Association - Vice-president, 2006, president 2007, member until 2012, recipient of Distinguished Alumni Award 2005, Senior Investiture Speaker April 2009. The organization is responsible for providing various services and activities to Framingham State College alumni and for generally promoting the good will of the college.

Framingham State University Foundation – Member since July 2012

Southborough Rod and Gun Club - Member since January 1999, NRA member/certified firearms instructor for the past five years and range safety officer for the past two years, periodically assisting in club sponsored training programs. The organization is involved in promoting and participating in outdoor sports, including hunting, shooting, firearms safety training, fishing and archery.

Wayside Community Programs - Member of the agency's mandated Human Rights Committee, 1984 to 1987. The organization provides residential, educational, and other services to troubled adolescents and their families.

Other Significant Civic and Community Activities and Accomplishments

Boston Marathon - volunteer for fourteen of the past fifteen years (took one year off to run the race itself).

Citizen Police Academy - regular presenter in Ashland, Framingham and elsewhere for the past twelve years.

Framingham Coalition for the Prevention of Alcohol and Drug Abuse - periodic panelist and presenter at various drug, alcohol and violence prevention programs.

Law Day Programs - annual presenter at local bar association and court sponsored programs for the past ten years.

11. Court admission: List all courts in which you have been admitted to practice, with dates of admission. Give the same information for administrative bodies which require special admission to practice.

Massachusetts Supreme Judicial Court - 1983
United States District Court for Massachusetts - 1984
State of Maine - 1985
First Circuit Court of Appeals - 1985
United States Supreme Court - 1988

12. Published writings: List the titles, publishers, and date of books, articles, reports, or other published material you have written, if any.

In January 2009, I authored an MBA Section Review article (Vol. II, No. 1, p. 14) titled "A Refresher on Probation Law and Procedure."

In March 2004, I co-authored an article for submission to the Massachusetts Law Review entitled "Crawford v. Washington: The New Doctrine of Testimonial Hearsay."

Since 1992, I have written and distributed a periodic memorandum I have entitled the "Criminal Law Update" of CLU. Each memo consists of brief summaries of the criminal law related appellate opinions, relevant court rule changes, and significant legislative amendments. I write the update in my spare time and, about every other month, distributing it to prosecutors in Middlesex and other counties, and at the Attorney General's Office. Additionally, for about the past ten years I have written and distributed a condensed version of the update regularly (usually every month) to police departments in Middlesex County and elsewhere in the Commonwealth.

In March 1990, I contributed to an article titled "A Matter of Record" appearing in the Municipal Advocate, a publication of the Massachusetts Municipal Association.

I contributed regularly from 1985 to 1991 to the update of the Middlesex District Attorney's Office's annual "Police Training Manual" and "Open Meeting Law Guidelines", as well as to the office's periodic "Law Enforcement Newsletter" and "Open Meeting Law Report."

13. Health: What is the present state of your health?

I consider myself to be in good health.

14. Legal Career:

- (a) Describe chronologically your law practice and experience after your graduation from law school and until the present including:
- (1) Whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;
 - (2) Whether you practiced alone, and if so, the address and dates;
 - (3) The dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;
 - (4) Any other relevant particulars.

Bikofsky, Walker & Tuttle

281 Pleasant Street

Framingham, MA 01701

Dates: August 1983 to July 1985

Position: Associate

Nature of practice: General practice law ~~firm~~ with a focus on civil litigation, probate law, real estate law, and municipal law (one of the partners was a long time Town Counsel for the Town of Framingham). I was involved mainly in civil litigation at the district court level (including landlord tenant matters, supplemental process, and small claims) and municipal matters. I also did a small amount of criminal defense work (in the district courts) and some probate court work.

Middlesex County District Attorney's Office

40 Thorndike Street

Cambridge, MA 02141

Dates: August 1985 to June 1992

Position: Assistant District Attorney

Nature of practice: Criminal prosecution.

I began with the office in the Appeals & Training Bureau, handling all aspects of appellate practice, authoring over two dozen appellate briefs and handling dozens of other appellate matters. In 1987 I was designated Captain of the bureau's Open Meeting Law Team, responsible for supervising assistant district attorneys who handled Open Meeting Law violation complaints. In 1988 I was designated Captain of the bureau's Search Warrant Team, responsible for supervising assistant district attorneys who assisted police officers seeking legal advice in preparing search warrant applications and on other search and seizure issues. In 1989 I was designated Deputy Chief of the bureau, assuming responsibility for supervising all aspects of the bureau. While with the bureau I was also involved in the following matters: instructing prosecutors (initial and refresher training); coordinating and instructing for the office's police training program and Open Meeting Law forums; assisting members of the Trial Bureau (including second seating two murder cases); assisting in a number of wiretap investigations; coordinating the District Attorney's Police Chief Advisory Group; overseeing the security and disposition of drug forfeiture funds; supervising the office's law librarian; serving regularly on new employee screening committees; and prosecuting district court cases (including handling bench trials and evidentiary motions). In September 1991 I chose to transfer to the office's Trial Bureau (working in the Lowell Region) where I tried over 30 jury-of-six cases and two superior court trials (one jury and one jury-waived) before I left the office in 1992.

Attorney General's Office

One Ashburton Place

Boston, MA 02108

Dates: June 1992 to January 1995

Position: Assistant Attorney General

Nature of practice: Criminal prosecution.

I began with the office as a member of the Special Investigations Unit, assigned to investigate and prosecute long term narcotics cases, economic crimes and public corruption matters. In July 1994, I was designated Deputy Chief of the Medicaid Fraud Control Bureau, having responsibility over the other assistant attorneys general within the bureau. While with the office I tried about a half dozen jury cases in superior court.

Middlesex County District Attorney's Office

100 Concord Street

Framingham, MA 01701

Dates: January 1995 to January 1999

Position: Assistant District Attorney

Nature of practice: Criminal prosecution.

For four years I served as Supervisor of the Framingham Regional Office. The Framingham Region encompasses 18 cities and towns, covers four district courts and includes approximately sixteen assistant district attorneys and eleven other staff members (and from time to time a number of interns). My time was split between direct and indirect supervision of the staff, assisting local police departments in various investigations, making all indictment decisions, and investigating and prosecuting major felonies arising out of the region. During that time, I tried approximately a dozen cases in the superior court (including two murder cases). In addition, I investigated and prosecuted five other murder cases, one of which was still pending at the conclusion of my tenure. Also, I regularly: participated in assistant district attorney training and police training; produced the "Criminal Law Update"; participated in the office's Community Based Justice Program; interfaced with and assisted the region's police prosecutors and detectives; and oversaw the regional office's LEAPS terminal provided by the Criminal History Systems Board.

Middlesex County District Attorney's Office

47 Thorndike Street

Cambridge, MA 02141

Dates: January 1999 to January 2001

Position: Assistant District Attorney

Nature of practice: Criminal prosecution.

For two years I served as Chief of the office's Special Investigations Division. The division was comprised of assistant district attorneys, state police troopers, civilian investigators, and other staff members. It had countywide responsibility over the investigation and prosecution of large-scale drug distribution cases, economic crimes (including those against the elderly and businesses), public corruption matters, gaming cases, and drug asset civil forfeiture suits. The division advised and assisted police departments across the county in applying for search warrants in drug investigations. It also investigated economic crimes (including those against the elderly) and "internal affairs" cases referred to our office by local police departments. My time was split between direct and indirect supervision of the staff, making all indictment and sentencing decisions on cases in the division, and investigating and prosecuting my own caseload. (I tried a number of murder cases and other cases during my tenure with the division.) I was also responsible (county-wide) for reviewing and approving all requests for the issuance of administrative subpoenas (under G.L. c. 271, sec. 17B) and all defendant "cooperation" agreements. Finally, I continued to be involved in assistant district attorney and police training, production of the "Criminal Law Update", and the office's Community Based Justice Program. I also supervised appellate brief writing from time to time.

Middlesex County District Attorney's Office

63 Fountain Street, Suite 404
Framingham, MA 01701

Dates: January 2001 to June 2010

Position: Assistant District Attorney

Nature of practice: Criminal prosecution.

In January 2001 I resumed my former position as Framingham Regional Supervisor. In addition to my primary duty of overseeing all superior court investigations and prosecutions arising out of the region, I had daily contact and interaction with the district court assistant district attorneys in the region, I continued to be involved in assistant district attorney training, police training, production of the "Criminal Law Update", I supervised appellate brief writing, and I assisted and interfaced with the region's police prosecutors and detectives on a regular basis. I also represented the Commonwealth at a number of parole board hearings in second-degree murder cases. Finally, I carried my own caseload, primarily prosecuting cases in the superior court (including civil Sexually Dangerous Persons cases under G.L. c. 123A.)

Middlesex County District Attorney's Office

15 Commonwealth Ave

Woburn, MA 01801

Dates: July 2010 to June 2012

Position: Assistant District Attorney

Nature of practice: Criminal prosecution.

In July 2010, I was designated by the District Attorney as the office's Chief of Homicide/Chief Trial Counsel. In this new position within the office's Executive Bureau, I was responsible for directing and managing all death investigations and prosecutions (including motor vehicle homicides), all the major trial superior court teams (the four regional teams, the child abuse unit, and the domestic violence unit), as well as the district and juvenile courts. I was also responsible for overseeing the office's pre-trial diversion and community based justice programs.

Dates: July 2012 to the present

Position: Assistant District Attorney

Nature of practice: Criminal prosecution.

In July 2012, I was named the office's First Assistant District Attorney and am presently responsible (together with the Deputy FADA) for the general management and oversight of all the office's superior court teams and cases.

(b)

- (1) What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?
- (2) Describe your typical former clients, and mention the areas, if any, in which you have specialized.

Please see my answers to the previous group of questions.

(c)

- (1) Did you appear in court regularly, occasionally, or not all? If the frequency of your appearance in court varied, describe each such variance, giving dates.
- (2) What percentage of these appearances was in:
 - (a) Federal Courts:
 - (b) State Courts of Record:
 - (c) Other Courts:
- (3) Approximately what percentage of your litigation was:
 - (a) Civil:
 - (b) Criminal:

- (c) Probate:
- (d) Other:

Over the course of my legal career my court appearances on cases have varied from regularly, when I was a "line" attorney (from about 1983 to about 1995), to at least occasionally, during my tenure as a supervisor or manager (from about 1995 to the present). Even while serving in a supervisory or managerial role, however, I maintained a caseload level that would require my appearance in court at least once or twice a month. All of my appearances have been in State Courts of Record. Although the vast majority of my appearances have been in criminal cases (approximately 95%), I have handled Sexually Dangerous Persons cases, Open Meeting Law cases, as well as a variety of district court civil cases during my first two years in practice. I have also handled about a dozen parole board hearings over the past ten years.

15. Judicial office (if applicable):

- (a) State the judicial office you now hold, and the judicial offices you have previously held, giving dates and the details, including the courts involved, whether elected or appointed, and periods of service.

Not applicable.

- (b) Describe two of the most significant decisions you have written or attach copies of them to your answers, and give the citations if the opinions were reported, as well as citations to any appellate review of such opinions.

Not applicable.

16. Other public office:

- (a) Have you ever held public office or been a candidate for public office? If so, give the details, including the offices involved, whether elected or appointed and the length of your service, giving dates.

Appointed Member of the Ashland Finance Committee, 1993 to the present, served as **Chairman** from November 1993 to June 1996.

Appointed Member of the Ashland Ad Hoc Rubbish and Recycling Committee, July 2005 to March 2006.

Appointed Member of the Ashland Ad Hoc Water and Sewer Committee, July 2008 to July 2010.

Elected Framingham Town Meeting Member, 1977 to 1979.

Elected Framingham Town Meeting member, 1984 to 1987.

Appointed Framingham member of the Town Meeting Capital Budget Committee, 1986 to 1987.

Appointed Framingham Planning Board Member, 1987 to 1988.

Elected Framingham Planning Board Member, 1988 to 1990 (served as clerk of the board from 1989 to 1990).

17. Business or other occupation:

- (a) Have you ever been engaged in any business or profession other than the practice of law or holding of judicial or other public office? If so, give details, including dates.

I worked at the Union House Restaurant, Framingham, MA, as dishwasher and short order cook during my high school years.

I held a number of construction laborer jobs during summers while in college.

- (b) Are you now an officer or director or otherwise engaged in the management of any business enterprise? If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, and the nature of your duties and the term of your service.

No.

II. GENERAL INFORMATION

1. Dissolution of law firm (if applicable).

Please describe the arrangements you have made to dissolve your financial interest in your law firm. What time period is involved? What arrangements have you made to be compensated for your work on pending litigation?

Not applicable.

2. Are all your taxes, federal, state, and municipal, current as of the date of this statement?

Yes.

3. While generally guided by statute, judges do have considerable discretion in the area of criminal justice sentencing. Depending upon their philosophies, judges may exercise this discretion to promote criminal rehabilitations, the protection of society, and deterrence of other criminals.

- (a) Could you characterize your own views on how this discretion ought to be exercised?

A judge should carefully weigh the circumstances of each case and each defendant to further as best as possible the primary goals of dispositions and sentencing: the safety of the public, punishment, deterrence and rehabilitation. I believe the law does and should require this of a judge in each individual case. I firmly believe that a judge should be permitted to have flexibility and latitude in sentencing in criminal cases after considering all the circumstances, subject always however to the range of options set down by the Legislature. Each disposition handed down should reflect the nature of the specific offense and the circumstances surrounding the commission of the crime, all in the context of other similar factual situations (to ensure consistency). Additionally, in fashioning an appropriate sentence, a judge should consider other factors, including the defendant's education and background, his mental and physical health, and his general character.

- (b) Do you favor further limits on such discretion through legislation?

No.

4. Do you feel that the present compensation levels for judges in the Commonwealth of Massachusetts are adequate?

Yes.

Michael Louis Fabbri
13 August 2012

5. Do you plan to hold any positions in order to supplement your judicial salary? If so, please give details.

No.

6. Please advise the Council of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

For the past two decades I have frequently taught police officers, prosecutors, defense attorneys, law students and citizens on a variety of criminal law related topics through Massachusetts Continuing Legal Education, Massachusetts District Attorneys Association, National District Attorneys Association, Suffolk University Law School, Middlesex District Attorney's Office, and other community related training programs. Also, I regularly take law related courses for my own self-improvement.

Michael Louis Fabbri
13 August 2012

AFFIDAVIT

I, Michael Louis Fabbri, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

Dated: 13 AUG 12




Michael Louis Fabbri

COMMONWEALTH OF MASSACHUSETT'S

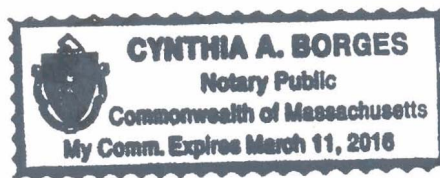
Ashland Middlesex Cty. SS.

Then personally appeared the above named and acknowledged the foregoing instrument to be a free act and deed before me.



Notary Public

My commission expires:



Michael Louis Fabbri
13 August 2012

To Whom It May Concern:

I hereby waive my rights to confidentiality regarding my tax records, court records, and matters at the Board of Bar Overseers and release said information/documents to the councillors and/or their investigators.

I release all of the foregoing from any and all claims and liability for damages of whatever kind arising out of any attempt to comply with this authorization.

Date: 13 AUG 12

Name: _____

Michael Louis Fabbri

Karen Helene Fabbri
Karen Helene Fabbri

Michael Louis Fabbri
13 August 2012

LIST OF WITNESSES TO TESTIFY

District Attorney Gerry Leone, Middlesex County

Susan Ledoux, Administrative Assistant, Middlesex County District Attorney's Office

Attorney Arthur Kelly

Attorney Lee Gartenberg

Justice Paul Chernoff (ret.)