

Boston corruption lawyer has had varied career

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BOSTON (AP) - Max Stern thought he was handling just another garden-variety immigration case until he learned that his client, Bosnian national Marko Boskic, was accused of failing to disclose his role in the 1995 massacre of 1,200 civilian Muslim men and boys at Srebrenica.

Stern told the jury that Boskic was faced with an impossible choice: kill or be killed.

The veteran lawyer, who is considered 1 of the deans of Boston's criminal defense bar and has recently handled high-profile cases of Statehouse corruption and the Big Dig tunnel ceiling collapse, has been getting juries to see the defendant's side for more than three decades.

"The idea of getting people to see there's another side, to empathize with somebody, and to bring some compassion to bear in the criminal justice system, that's what I really enjoy and that's what I see as my job," said the 64-year-old Stern.

His claim that Boskic was forced to participate in the massacre apparently worked.

A jury acquitted him of lying when asked if he had ever persecuted or killed anyone on the basis of their race, religion, ethnicity or political beliefs and convicted him instead of lying on immigration forms to get into the United States.

Stern's other clients have included everyone from accused cop killer Albert Lewin to inmates at a notorious Boston jail.

Recently, he's been juggling the public corruption case of former state Sen. Dianne Wilkerson and a manslaughter case against Powers Fasteners, the only company charged criminally in the fatal Big Dig tunnel ceiling collapse.

Wilkerson is awaiting trial on conspiracy and attempted extortion charges for allegedly taking \$23,500 in bribes. Earlier this month, prosecutors announced they have agreed to drop the charge against Powers after the company agreed to pay \$16 million to settle a civil case in the tunnel collapse. Stern served as co-counsel on the Powers case, which was led by his partner, Martin Levin.

Stern started out as a civil rights lawyer, inspired by a professor at the University of Pennsylvania Law School who instilled in his students "the notion that law could be used to actually bring rights to people," Stern said.

1 of his first cases as a young lawyer was a lawsuit filed on behalf of inmates at Boston's old Charles Street jail. The jail, which housed some of the city's most famous inmates, including Boston Mayor James Michael Curley, had fallen into disrepair and become filthy and overcrowded. The lawsuit led to the closing of the jail.

In the 1980s, Stern represented Albert Lewin, who was accused in the fatal shooting of a Boston police detective. Lewin was acquitted by a jury in 1990 and two Boston police officers were charged with perjury in the case.

His zealous advocacy for his clients has earned him the respect of other defense attorneys and even prosecutors.

U.S. Attorney Michael Sullivan, whose office prosecuted Boskic, said Stern is tireless when pushing for a client.

"He can be very strong-willed, in terms of his position," Sullivan said. "He does it in a way that does not offend people. He's just a very passionate individual, and when he feels strongly about a point, he feels very confident about it."

Another veteran Boston defense attorney, J.W. Carney Jr., said Stern's humble, low-key style helps him during trials.

"He does not bully witnesses, but rather cajoles the information from them at times," Carney said.

Stern started a law firm with one partner in 1973. Since then, the firm has added another seven lawyers, and Stern's practice includes everything from medical malpractice to criminal defense.

Former Suffolk District Attorney Ralph Martin II, who was a partner at Stern's firm in 1992, called Stern "a lawyer's lawyer."

"It doesn't matter what the case is - a criminal case, a civil rights case, business litigation - he's just so adroit at picking up the issues, and exploiting the strengths of his case and the weaknesses of his opponent's case, all with the greatest degree of aplomb," said Martin.

Stern is also known in legal circles for his photography. He publishes a calendar every year featuring his photographs and has exhibited his work at the federal courthouse in Boston.

"It's creativity without the stress," Stern says. "In essence, it's like a trial. You have to decide what to present, what is most appealing, what's most persuasive. The same thing is true for photography."

Stern is married to Margaret Burnham, a former Boston Municipal Court judge who is now a law professor at Northeastern University, and has three adult children.

Although he enjoys his work, Stern says being a defense attorney means extreme highs and lows.

"There is nothing worse than having your client carted off to prison, or losing his law license or professional license or whatever it is," he said.

"And there's nothing more rewarding than being able to save someone's life or livelihood or business, or to help them get on with their lives."

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