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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

October 2, 2018

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

That approval be and hereby is given to the Attorney General to appoint Nicole M. Clay (Position #9U222, Appropriation #02-20-20-200510-2610-013-500132) as an Assistant Attorney General, at a salary level of \$66,437.50, effective upon Governor and Executive Council approval or November 9, 2018, whichever is the latter. Ms. Clay will be occupying a position with a term that ends on October 9, 2021.

EXPLANATION

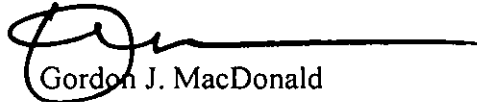
Ms. Clay is a resident of Lowell, Massachusetts and a member of the New Hampshire Bar. She received her law degree from the New England School of Law in 2016 and her undergraduate degree from Westfield State College in 2005. She joined the Department of Justice in October 2017 as an attorney in the Criminal Bureau. Prior to joining the Office, Ms. Clay held various positions with the Nashua Police Department beginning in 2007, including patrol officer, school resource officer and police prosecutor. From 2005 to 2007, she worked in the Office of the Middlesex District Attorney's Office as a support staff/paralegal. In view of Ms. Clay's experience, I am requesting her current salary be increased by \$3,000.00 from \$63,437.50 to \$66,437.50. This pay raise will become effective on November 9, 2018. A copy of her resume is attached. I plan to continue her assignment in the Criminal Bureau.

2001 Laws of NH Chapter 258, amended RSA 94:1-a(I)(c)(3) to provide that designation of positions, salary levels, and salary increases for attorneys at the Department of Justice shall be determined by the Attorney General, subject to approval of the Governor and Council, within appropriations made to the Department of Justice.

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I am very pleased to offer Ms. Clay's appointment as an Assistant Attorney General at the above-referenced salary for your approval and respectfully urge your favorable consideration. Thank you.

Respectfully submitted,



Gordon J. MacDonald
Attorney General

#2153140

NICOLE M. CLAY

BAR ADMISSIONS

Commonwealth of Massachusetts, Admitted November 2016
State of New Hampshire, Admitted December 2016
United States District Court – District of New Hampshire, Admitted December 2016

EDUCATION

NEW ENGLAND LAW | BOSTON, Boston, Massachusetts

Juris Doctor May 2016

Honors: Dean's List, 2012-2016

CALI Excellence for the Future Award in Alternative Dispute Resolution

NEW HAMPSHIRE POLICE STANDARDS AND TRAINING COUNCIL

143rd Full Time Police Academy June 2007

WESTFIELD STATE COLLEGE, Westfield, Massachusetts

B.S. Criminal Justice, cum laude May 2005

PROFESSIONAL EXPERIENCE

NEW HAMPSHIRE DEPARTMENT OF JUSTICE, Concord, New Hampshire

October 2017 – Present

Attorney ~ Criminal Justice Bureau

- Investigate and prosecute homicides, public integrity violations, drug death crimes, and other major crimes as assigned by the Attorney General
- Litigate criminal cases at all stages of court proceedings
- Compose, file, and argue pre- and post-trial motions
- Draft and file appellate pleadings in criminal cases
- Provide training and assistance to law enforcement and prosecutors

NASHUA POLICE DEPARTMENT, Nashua, New Hampshire

March 2007 – October 2017

Legal Officer ~ Transitional Team Leader ~ Legal Division (August – October 2017)

- Execute all paralegal functions for the division
- Create and implement new systems to improve efficiency, accuracy, and accountability
- Train and advise incoming paralegal over a six week period

Patrol Officer (2007-2010, February – August 2017)

- Conduct patrols in a marked cruiser
- Investigate and enforce criminal laws, city ordinances, and motor vehicle statutes
- Respond to all types of calls for service
- Testify in court and at administrative hearings

Crisis Intervention Unit (November 2010 – October 2017)

- Communicate with individuals in crisis by employing active listening skills
- Completed 40 hour FBI training in this field

Police Prosecutor ~ Legal Division (March 2012 – February 2017)

- Litigate cases at all stages of court proceedings
- Prepare violation and misdemeanor criminal cases for trial
- Subpoena civilian and officer witnesses
- Negotiate cases with defendants/defense attorneys
- Compose, file, and argue pre- and post-trial pleadings

School Resource Officer (September 2010 – February 2012)

- Present cases for indictment to grand jury on a monthly basis
- Handle all calls for service within a high school
- Present students with information regarding law related topics in a classroom setting
- Provide advice to students and faculty on law related issues

P.A.L. (Police Athletic League) Officer (June 2011 – August 2011)

- Foster positive relationships with youth that attended the drop-in center
- Assist in organization of fundraising efforts
- Chaperone weekly youth field trips to the zoo, amusement park, etc.

CIRCUIT COURT ADMINISTRATIVE OFFICE, Concord, New Hampshire

May – August 2015

Legal Intern

- Draft policy for the storage of trial exhibits in the trial court
- Research and answer questions of law as they arose in the trial court
- Draft educational materials regarding Criminal Bail Protective Orders (CBPO)

OFFICE OF THE MIDDLESEX DISTRICT ATTORNEY, Cambridge, Massachusetts

June 2005 – February 2007

Paralegal (March 2006 – February 2007)

- Work closely with assistant district attorneys to prepare cases for trial
- Gather and prepare discovery/evidence from police departments, private companies, and other agencies
- Liaison between assistant district attorneys and police prosecutors
- Communicate with defense attorneys, clerks' offices, and probation officers regarding pending cases
- Prepare legal documents including notices of discovery, motions, and subpoenas
- Complete other duties including those specified below (Support Staff)

Support Staff (June 2005 – March 2006)

- Maintain and update case history in Damion Case Management System
- Notify civilian and officer witnesses of court appearances
- Gather documentation of prior criminal convictions
- Perform various clerical duties including answering phones, filing, organizing case files

PUBLIC DEFENDER FOR THE DISTRICT OF COLUMBIA, Washington D.C.

January – May 2004

Intern Investigator

- Retrieve court documents/police reports to establish the facts of a case
- Locate and interview witnesses to obtain their account of the alleged incident(s)
- Record written statements from said witnesses to be used during trial
- Photograph evidence/crime scenes for purposes of trial preparation
- Conduct client consultations at containment facilities
- Serve criminal subpoenas
- Observe various court proceedings
- Conduct criminal background checks using Criminal Information Systems

COMMUNITY OUTREACH

- Volunteer at yearly Jonathan Gove Memorial Scholarship Golf Tournament