



GEORGE N. COPADIS, COMMISSIONER

RICHARD J. LAVERS, DEPUTY COMMISSIONER

April 9, 2014

Her Excellency, Governor Margaret Hassan
And the Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Pursuant to RSA 94:6, the New Hampshire Department of Employment Security respectfully requests approval for Walter L. Maroney, Counsel, (Position # 9U078) to be placed at a compensation level higher than the minimum established in RSA 94:1-a. This request is to place Attorney Maroney's annual salary in Group FF, Step 4, \$80,972.64 (range \$64,156.43 - \$85,175.64), appropriation #010-027-8040-013, (100% Federal Funds), effective upon Governor and Council approval.

EXPLANATION

After careful consideration, I would like to appoint Walter L. Maroney to the position, Counsel, beginning April 28, 2014. This is a previously established unclassified position within the Department that needs to be filled in accordance with 282-A:136. This position is vital to the operations and management of the Legal Department, but also in an advisory capacity to me as the Commissioner of the New Hampshire Department of Employment Security.

This is one of two currently vacant counsel positions in the department. Attorney Maroney will fill the vacancy created when Counsel Richard J. Lavers was promoted to Deputy Commissioner of the department on 11/23/13. Attorney Maroney has practiced law for over twenty-eight (28) years. After spending more than five (5) years as an Associate Attorney at the Boston law firm of Goodwin, Proctor & Hoar, Attorney Maroney began an eleven (11) year tenure at the New Hampshire Department of Justice, rising to the level of Senior Assistant Attorney General and Chief of the Consumer Protection Bureau. He then joined the law firm of Gallagher, Callahan & Gartrell and became a shareholder/partner during his six (6) years there. Finally, Attorney Maroney has worked as a solo practitioner of law at Maroney Law, PLLC in Manchester from 2007 to the present.

In the course of his long and distinguished legal career, Attorney Maroney has acquired the expertise and honed the skills that are precisely what the department needs for excellent performance in this counsel position. Attached is a copy of his resume for your review.

Respectfully submitted,

George N. Copadis
Commissioner

GNC/jdr

Walter L. Maroney

- More than 20 years experience representing individuals, small businesses and government.
 - Admitted to practice in New Hampshire, Massachusetts, Vermont, Federal District Courts for New Hampshire and Massachusetts, the First Circuit Court of Appeals and the United States Supreme Court.
 - Experienced at all levels of New Hampshire Court system and have appeared before or represented multiple state and municipal administrative bodies.

 - Practice Areas:
 - Consumer Protection
 - Condominium Law
 - Real Estate Development
 - Administrative Law
 - Antitrust
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EXPERIENCE:

MARONEYLAW, PLLC 2007 -2014
Solo Practice to concentrating on Consumer Protection plaintiffs' representation, condominium law and representation of small business and real estate developers.

GALLAGHER, CALLAHAN & GARTRELL 2001-2007
Concord, NH

Shareholder in mid-sized business-oriented law firm. Practice areas included real estate development, condominium law (representing developer, community associations and individuals), time share law; consumer protection, including plaintiffs' litigation and compliance advice to businesses.

STATE OF NEW HAMPSHIRE 1991-2001

CHIEF, CONSUMER PROTECTION BUREAU

Directed Consumer Protection and Antitrust Division of Attorney General's Office. Duties included investigation and prosecution of civil and criminal consumer protection cases; oversight of consumer mediation program; review and registration of condominium and subdivision projects throughout New Hampshire

Significant matters handled included:

Smith v. Department of Revenue (Merrimack Sup. Ct., May 2000, affirmed, N.H. Supreme Court 2002): Lead counsel in successful defense of \$150 million class action tax refund claim under state interest and dividends tax.

State v. Phillip Morris, et al (Merrimack Sup. Ct. 1998), (National Tobacco Litigation) Lead counsel in state's product liability lawsuit against tobacco industry, resulting in settlement valued at \$3.02 billion to State; acted as lead counsel in all matters involving tobacco settlement, including defense of state in challenges to various aspects of tobacco settlement process pending in Courts throughout the United States.

In Re: Optima Health Inc. (Hillsborough Probate Ct., 1997) Served as co-author of Attorney General's Report on

Optima Health discussing multiple alleged violations of charitable trusts law by Manchester healthcare holding company with respect to constituent hospitals; lead counsel in action involving Probate Court oversight of dissolution of Optima and re-establishment of Elliot Hospital and Catholic Medical Center.

Administration and Enforcement of State Condominium Act, RSA 356-B, and Land Sales Full Disclosure Act (Subdivision Regulation), RSA 356-A.

Reviewed and oversaw review of hundreds of applications for state approval of condominium and subdivision regulation; enforced provisions requiring pre-sale registration, consumer disclosures, financing issues, land use issues and multiple state/local regulation issues over 10 year period, both as staff attorney and Bureau Chief. provided counsel and no-action letters to developers; intervened in multiple disputes between developers and homeowners; oversaw transition of homeowner associations from developer to homeowner control; reviewed and regulated dozens of condominium conversion processes.

AGENCY COUNSEL: Representation of approximately 20 state agencies including Departments of Insurance, Revenue, Banking and Health Services Planning and Review Board. Services provided include legal advice and counsel, litigation, contract review. Matters handled include:

STATE ANTITRUST COUNSEL: Responsible for state antitrust regulation, including extensive merger review, and enforcement, principally involving healthcare industry.

LEGISLATIVE EXPERIENCE: Evaluated legislative proposals and statutory enactments; assisted legislators and executive department personnel in drafting legislation; appeared before legislative committees to provide expert assistance with respect to legislative proposals. Statutes drafted in whole or in part include:

- RSA 358-P: *Consumer rent to own contracts*
- 358-A: 10: *Extension of consumer protection act statute of limitations*
- RSA 356-B:54: *Adjustments to condominium conversion periods*
- RSA 361-b-D: *Auto leasing disclosure statute*
- RSA 7:19-a: *Health care charitable trust merger approval process*
(with Director of Charitable Trusts Michael DeLucia and a panel of interested parties)

GOODWIN PROCTER & HOAR
Boston MA

1985-1991

Associate Attorney: Responsible for litigation and assistance to senior trial counsel, including appearances before state and federal courts and administrative bodies. Representation of clients before U.S. Department of Justice Antitrust Division and Federal Trade Commission, principally in context of Hart-Scott-Rodino merger notifications

EDUCATION

<i>College:</i>	Amherst College, Amherst Massachusetts, B.A. English Literature, Magna cum Laude	1972-1976
<i>Graduate School:</i>	Columbia University, New York City, M.A., English Literature, Magna Cum Laude	1976-1977
<i>Law School:</i>	Boston College Law School, Newton, Massachusetts, J.D., Magna cum Laude	1982-1985

LEGISLATIVE TESTIMONY, PUBLICATION, TEACHING

UNITED STATES CONGRESS

United States Senate Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary (February 5, 1998)

Testified regarding the scope of telecommunications fraud and abuse and its victimization of the elderly, with Robert Pitofsky, Chairman, Federal Trade Commission.

NEW HAMPSHIRE LEGISLATURE

The Challenge for Community Hospitals In the Age of "Cost Shifting", presentation to N.H. House of Representatives HB 470 Chartered Study Committee, (October 23, 2003), with Christopher C. Gallagher, Esq.
<http://www.gcglaw.com/resources/healthcare/challenge.html>

PUBLICATIONS

- *The Charitable Trusts Aspects of A Hospital Merger: The Merger of Franklin Regional Hospital and Lakes Region General Hospital*, 44 N.H. Bar J. 1 (March 2003), with Ovide M. LaMontagne.
- *Back to the Future: Clinical Integration of Physician Hospital Organizations*; July 2, 2002 (GCG Website)
- *U.S. Supreme Court Gives States Regulatory Authority Over HMOs*; (June 27, 2002)
- *New Hampshire's Community Hospitals in Transition: A Regulatory Analysis*, Sep 26, 2001, presented to NH House of Representatives Study Committee re HB 112 (2001)
<http://www.gcglaw.com/resources/healthcare/hb112.html>
- *The Subprime Mortgage Crisis – Some Thoughts About Law, Economics and Morality*
50 N.H. Bar J. 9 (Fall 2009)

CLE PRESENTATIONS:

- Consumer Law for the Low and Moderate Income Client (NH Bar Association, December 9, 1999);
- Training Program for Professional Licensing Boards & Commissions (NH Bar Association/Office of Attorney General, November 9, 2000);
- Exploring Current Issues in New Hampshire Health Care Law (National Business Institute, December 4, 2002);
- Legal Aspects of Condominium Development and Homeowner's Associations in New Hampshire (National Business Institute, 2003, 2005, 2006 and scheduled for December 2007).
- Dealing With Real Estate in The Sale of A Business (N.H. Bar Association (March 15, 2007)

- Legal Aspects of Condominium Development and Homeowners' Associations (National Bus. Inst., December 11, 2007)