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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

March 7, 2022

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 grant a salary increase to Jennifer Foley, as an Assistant Attorney General (Position #9U290, Appropriation #02-20-20-200510-26120000-013-500132), from a salary level of \$98,000 to a salary level of \$101,000 upon Governor and Executive Council approval or March 25, 2022, whichever is later.

EXPLANATION

In accordance with the 2001 N.H. Laws Chapter 158, Section 101, and 2021 N.H. Laws Chapter 91, this request seeks your approval to grant a salary increase for Assistant Attorney General Jennifer Foley.

Ms. Foley is a resident of Goffstown, New Hampshire and a member of the New Hampshire Bar. She earned her undergraduate degree from Keene State College, *magna cum laude*, in 1991, and her law degree from Vermont School of Law, *magna cum laude*, in 1994. She served as a judicial law clerk for the New Hampshire Superior Court from 1994 to 1996, and worked as an associate attorney at Stein, Volinsky and Callahan from 1996 to 1997. From 1997 to 2001 she was a judicial law clerk in the Chief Justice's chambers at the New Hampshire Supreme Court. In 2011, Ms. Foley began a four-year term as judicial law clerk for Chief Circuit Judge Jeffrey Howard at the First Circuit Court of Appeals. That clerkship was interrupted after one year when she returned to the New Hampshire Supreme Court to work for the entire court as a judicial law clerk specifically assigned to issues arising from a capital punishment appeal. She returned to the First Circuit Court of Appeals in 2013 and continued clerking there until she joined the Department in 2016. Ms. Foley is assigned to the Consumer Protection/Anti-Trust Bureau and was designated as a Senior Assistant Attorney General on February 9, 2022. Her salary will increase by \$3,000 from \$98,000 to \$101,000. I will continue

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her current assignment. Her resume is attached for your review.

RSA 94:1-a(I)(c)(3) provides 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.

I respectfully urge your favorable consideration of this request. Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.M. Formella", written in a cursive style.

John M. Formella
Attorney General

Jennifer Lynne Foley

EXPERIENCE

Assistant Attorney General **New Hampshire Department of Justice** *July 2016 to present*
Consumer Protection and Antitrust Bureau

Participate in multistate investigations for various industries, including the health care arena. Conduct health care merger reviews under state and federal consumer protection and antitrust law. Participate and assist in joint enforcer antitrust litigation, including deposition preparation, assessing expert reports, witness interviews, discovery review, and analysis of pleadings with state specific focus. Participate in New England Consortium Systems Organization (NESCO) governed by state health and human services agencies and University of Massachusetts Medical School (member of health care data working group, 2018 – present). Participate in Steering Committees and as Panelist for antitrust and health care workshops: State Center Health Care Antitrust Workshop (April 2018); State Center Antitrust Boot Camp (July 2019).

Judicial Law Clerk, 4-year Term **First Circuit Court of Appeals** *Sept. 2013 to July 2016*
Chief Circuit Judge Jeffrey Howard *Sept. 2011 to Aug. 2012*

Chief Judge Howard has authorized the following description of my duties: Performed extensive research on a wide range of complex questions of federal and state law, both substantive and procedural, including areas of environmental insurance litigation, constitutional questions, habeas corpus petitions, labor law and antitrust disputes, immigration and other administrative appeals, and state law issues in diversity cases. Worked collaboratively with chambers team on various legal issues to evaluate analytical approaches under First Circuit and Supreme Court precedent and trends. Produced bench memoranda, judgments, and draft opinions within chambers, and review critically the draft opinions of other circuit judges.

Judicial Law Clerk, Capital Punishment **New Hampshire Supreme Court** *Aug. 2012 to Sept. 2013*
Chief Justice Linda. Dalianis and Justices Gary Hicks, Carol Ann Conboy, Robert Lynn, James Bassett

The Justices have authorized the following description of my duties regarding a capital punishment case:

Legal - Conducted extensive research on a range of complex legal questions, including federal and novel state constitutional issues. Navigated voluminous pretrial proceedings and multi-trial evidence for holistic comprehension. Produced analytical legal writing for presiding Justices for all phases of drafting. Performed critical legal review and editing on collaborative work produced by case team.

Technological - Designed and managed a data and content management website (Microsoft SharePoint) for collaborative document navigation (e.g. trial court record) and document production (e.g., appellate work product), including (i) ensuring strict confidentiality by designing SharePoint secure access features for appropriate authorization per user; (ii) designing SharePoint workspace, workflow and website features to improve timeliness of collaborative work product, to reduce redundant work effort, to ensure accurate “live” document version control, and to manage multi-tiered collaborative team approach; and (iii) training and mentoring new SharePoint users to achieve true online team collaboration.

Managerial - Participated in regular meetings with Justices and legal staff, and worked collaboratively with case team. Performed all aspects of case management for assignments of legal and administrative support team. Developed management and confidentiality protocols, including design and functionality of SharePoint website for team access to voluminous trial court and appellate record and for efficient production of comprehensive appellate work product.

Judicial Law Clerk **New Hampshire Supreme Court** *Aug. 1997 to Sept. 2011*
Chief Justice John Broderick, Jr. (1997- 2010), and Associate Justice Robert Lynn (2011)

The Justices have authorized the following description of my duties: Conducted extensive legal research and produced analytical writing for authoring Justices on an expansive range of constitutional, statutory, common law, and regulatory issues. Performed critical legal review of draft writing from other law clerks, and provided mentoring for new law clerks. Completed special projects for several Justices as a career law clerk.

Associate Attorney **Stein, Volinsky & Callahan, Concord, NH** *Sept. 1996 to Aug. 1997*

Drafted motions, memoranda of law, and other legal documents for Title VII discrimination cases. Conducted client and witness interviews, case investigations, and other trial preparation tasks.

Judicial Law Clerk **New Hampshire Superior Court** *Aug. 1994 to Aug. 1996*

Assisted numerous Judges in all phases of civil and criminal litigation, from draft orders to draft jury instructions. Conducted legal research and produced analytical memoranda on a various state law issues.

TEACHING EXPERIENCE

Adjunct Professor **University of New Hampshire School of Law** *Fall terms, 2008 to 2011*

Designed course materials for and taught *Appellate Advocacy* course to upper level law students for civil and criminal cases. Provided instruction on substantive and procedural law, statutory and case law analysis, competing societal policies, competent review of the litigation record, clear and succinct persuasive appellate writing, and quality oral arguments in a mock court setting.

Research Assistant **Amos Tuck School of Business, Dartmouth, NH** *Spring terms, 2001 to 2010*

Prepared all aspects of upper level MBA course, *Managers and the Law*, taught by Chief Justice John Broderick, Jr., including designing course syllabus, weekly assignments, and final exam. Business law topics included corporate and partnership structures, contracts, sexual harassment, and employment law.

EDUCATION and MEMBERSHIPS

Vermont Law School, Juris Doctor, 1994. *Magna cum laude*, Dean's Fellow.

Keene State College, Bachelor of Arts, 1991. *Magna cum laude*, Resident Assistant.

NH Bar Association, Member, 1994 to present.

American Bar Association, Antitrust Section, Member, 2017 to present.

COMMUNITY ACTIVITIES

- Merrimack Valley Presbyterian Church (2018-present; hospitality committee).
- Amoskeag Presbyterian Church (1998-2018; Sunday School teacher; various committees).
- Webster Batchelder American Inns of Court (2011-2014, 2016-2018).
- Goffstown High School, Parent Booster for Cross Country team (2013-2017).
- New Hampshire Law Library Coalition Committee (2011-2014).
- Goffstown Public Library Board of Trustees (2008-2011; chair, 1 term).