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**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

March 22, 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 Thomas R. Worboys, Position # 9U217, Appropriation # 02-20-20-200510-2615-013-500132 as an Attorney, at a salary level of \$74,000, effective upon Governor and Executive Council approval or May 3, 2018, whichever is the latter.

**EXPLANATION**

Mr. Worboys is a resident of South Boston, Massachusetts and a member of both the Massachusetts and the New Hampshire Bars. He received his law degree from Northeastern University School of Law, Boston, Massachusetts in 2003, and his undergraduate degree from Boston College, Boston, Massachusetts in 1999. Mr. Worboys worked in Boston, Massachusetts at Morrison Mahoney, LLP from 2008-2013 and was a junior partner at Colucci, Colucci, Marcus & Flavon, P.C., Milton, Massachusetts from 2013 to the present. In view of Mr. Worboys' experience, I am requesting he be appointed as an Attorney at a salary of \$74,000. He will be assigned to the Medicaid Fraud Bureau. A copy of his resume is attached.

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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and the Honorable Council  
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I am very pleased to offer Mr. Worboys' appointment as an Attorney at the above-referenced salary for your approval and respectfully urge your favorable consideration. Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gordon J. MacDonald', with a long horizontal flourish extending to the right.

Gordon J. MacDonald  
Attorney General

#1974833

# Thomas T. Worboys

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## Legal Experience

### **COLUCCI, COLUCCI, MARCUS & FLAVIN, P.C.**

**MILTON, MA**

*Junior Partner, November 2013 to Present*

- Practice principally concerns personal injury matters with a focus on claims involving nursing homes and assisted living residences.
- Acts as lead counsel in complex litigation through trial and appeal in state and federal courts.
- Responsible for marketing, originating new files and supervising associate attorneys on a wide variety of claims, ranging from professional malpractice and products liability to premises liability and motor vehicle accidents.

### **MORRISON MAHONEY LLP**

**BOSTON, MA**

*Associate, October 2008 to November 2013*

- Practice involved the defense of third-party insured and self-insured general liability claims, along with defense of bad faith claims.
- Representation focused on defense of professional liability claims and regulatory matters concerning nursing homes and assisted living residences.
- Responsible for all aspects of case handling, including conducting jury trials, arbitrations and administrative agency hearings, and presenting oral arguments on appeal.
- Involved in maintaining and expanding client relationships and responsible for selecting and interviewing candidates for associate and support level positions.

### **FLYNN LAW FIRM, P.C.**

**WELLESLEY, MA**

*Associate, December 2003 to October 2008*

- Represented plaintiffs in general liability, medical malpractice, products liability and employment matters.
- Managed case intake and valuation and prepared overall litigation strategy to posture claims for favorable resolution.
- Coordinated all aspects of discovery, including taking and defending depositions, and participated in trials in the Massachusetts Superior Court and United States District Court.
- Briefed and argued appeals before the Massachusetts Appeals Court and Supreme Judicial Court.

## Education

May 2003

**NORTHEASTERN UNIVERSITY SCHOOL OF LAW**  
Juris Doctor

**BOSTON, MA**

May 1999

**BOSTON COLLEGE**  
Bachelor of Arts

**CHESTNUT HILL, MA**

## Professional Licenses

- Admitted to practice, Commonwealth of Massachusetts, State of New Hampshire, Supreme Court of the United States, United States Court of Appeals for the First Circuit, United States District Court for the District of Massachusetts, United States District Court for the District of New Hampshire.

## Professional Recognitions

- Named to *New England Super Lawyers* Rising Stars List (2010 - 2017).
- Martindale-Hubbell Peer Review Rating - 4.8 / 5.0.
- Avvo Rating - 10.0 / 10.0.

### **Recent Publications and Presentations**

- Author, *Insured's Guilty Plea Not Determinative of Insurer's Duty to Defend*, The Standard, Vol. 271, No. 6 (September 14, 2012); *The Measure of Damages for Bad Faith: A Comparison of Gore v. Arbell and Rhodes v. AIG*, The Standard, Vol. 269, No. 4 (August 19, 2011); *An Omen of Future Challenges to National Tort Reform*, The Standard, Vol. 268, No. 6 (February 11, 2011); *Placing the Duty to Defend at Issue: The Implicit Waiver of the Attorney-Client Privilege in Bad Faith Claims*, The Standard, Vol. 267, No. 4 (August 20, 2010).
- Faculty Member, How to Get Paid: Fee Structures, Referrals and Collecting, Massachusetts Bar Association (2016); Massachusetts Continuing Legal Education, Nursing Home Litigation Seminar (2012).

### **Published Decisions**

- *Hill Financial Services Co. v. Murphy*, 87 Mass. App. Ct. 1112 (2015), further appellate review denied, 472 Mass. 1106 (2015).
- *Licata v. GGNCS Malden Dexter LLC*, 466 Mass. 793 (2013).
- *Smith v. Massachusetts Bay Transportation Authority*, 462 Mass. 370 (2012).
- *Hurley v. Sunrise Senior Living Management, Inc.*, 2012 Mass. App. Div. 97 (2012).
- *Saputo v. Beverly Enterprises-Massachusetts, Inc.*, 78 Mass. App. Ct. 1128 (2011).
- *Caplan v. Donovan*, 450 Mass. 463 (2008), *cert. denied*, 553 U.S. 1018 (2008).

### **Recent Settlements and Judgments**

- Bad faith claim against professional liability insurer for failure to settle underlying legal malpractice matter - \$1.15 million (October 2016).
- Products liability claim against manufacturer of vaporizer which caused burns and facial scarring to child - \$1.875 million (October 2016).
- Wrongful death claim against bicycle manufacturer - \$1.9 million (December 2015).
- Bad faith claim against motor vehicle insurer for failure to settle underlying bodily injury matter - \$1.75 million (January 2015).