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**The State of New Hampshire
Insurance Department**

21 South Fruit Street, Suite 14
Concord, NH 03301
(603) 271-2261 Fax (603) 271-1406
TDD Access: Relay NH 1-800-735-2964

**John Elias
Commissioner**

**Alexander K. Feldvebel
Deputy Commissioner**

July 11, 2018

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

REQUESTED ACTION

The Insurance Department respectfully requests, pursuant to RSA 94:6, that the Governor and Executive Council authorize the Department to hire Heather G. Silverstein into the position of General Counsel, position #9U429 (an unclassified position at labor grade FF) at Step 6 with an annual salary of \$94,039.40, effective July 25, 2018.

The source of funds is 100% agency income.

EXPLANATION

RSA 94:6 states that

In case of a new appointment to fill any vacancy the entrance salary shall be at the minimum of the established range unless, upon recommendation of the appointing authority, the governor and council shall establish, after due and proper investigation as to qualifications, a different entrance salary within the established range.

This position is responsible for managing, supervising, planning and implementing the activities, operations and goals of the Legal Unit, which consists of three sub-units, Legal Counseling, Enforcement, and Fraud, and which has a staff of 14 people, including 6 attorneys. The General Counsel coordinates the work of the Legal Unit with other units within the Department, and provides legal counsel and support to the Commissioner in consultation with the Department of Justice as required on a range of complex and consequential insurance regulatory matters.

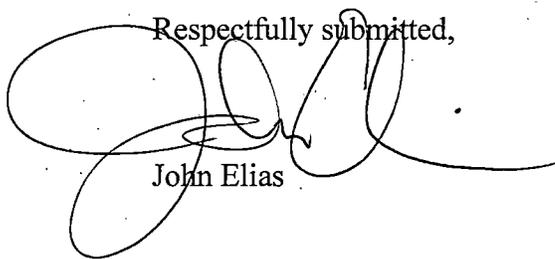
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Attorney Silverstein earned her JD from the University of Maine School of Law and subsequently clerked for both federal court and New Hampshire Supreme Court Justices. She has 20 years of legal experience that includes both the private practice of law and experience working as a staff attorney for another state agency. Ms. Silverstein's current position is Life, Accident and Health Legal Counsel at the Insurance Department, where she has excelled in all aspects of her work. Her current annual salary in this classified position is \$85,410.00 (LG 32, Step 6). By starting Ms. Silverstein at Step 6 in the General Counsel position, we will be able to provide her an increment that is commensurate with her skill and level of experience and with the considerable increase in responsibility, reports, and job complexity that she will be taking on in her new position.

For all the above reasons, it is appropriate and prudent to set Ms. Silverstein's entrance salary at the step requested above.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'John Elias', written in a cursive style. The signature is positioned above the printed name 'John Elias'.

John Elias

HEATHER G. SILVERSTEIN, Esq.

EXPERIENCE

New Hampshire Insurance Department, Concord, NH, May 2015--present

Life, Accident & Health Attorney: Responsible for coordinating and achieving long-range regulatory objectives relating to life, accident, and health insurance ("LAH"); draft legislation, administrative rules, and Department bulletins; testify on behalf of the Department before the rulemaking committee and the Legislature; provide legal counsel to all Department staff and the Commissioner relating to LAH issues; engage in ongoing communications with industry as to regulatory issues; serve as a Department Hearing Officer and draft Hearing Orders to assist the Commissioner

Desmarais, Ewing & Johnston, P.L.L.C., Manchester, NH, October 2001-May 2004, August 2006 to May 2015

Litigation Attorney: Draft appellate briefs and argue before the New Hampshire Supreme Court; advise clients about personal injury and contractual matters; present cases before state and federal courts, the Social Security Administration, the Public Employee Labor Relations Board, and the Department of Labor; depose witnesses; manage cases and negotiate settlements.

Before You Go, P.L.L.C., Concord, NH, July 2005 to present

Managing Attorney: Sole operator of a small business focused on providing clients legal advice with regard to estate planning matters; draft estate planning documents for clients based upon client needs; assist clients in trust management.

Division for Children, Youth, & Families, Depart. of Health & Human Services, Manchester, NH, July 2005-July 2006

Staff Attorney: Full case management of nearly 120 child protection cases; complete trial preparation for over 40 evidentiary trials; successfully tried all cases, which did not settle (21), in district courts, superior courts, and administrative hearings.

Fahey & Associates, P.L.L.C., Concord, NH, June 2004-June 2005

Litigation Attorney: Full case management of general practice matters; advised and represented clients in personal injury, estate planning, and family law cases; worked with clients and counsel to successfully negotiate favorable settlements.

Franklin Pierce College, Concord, NH, October 2002-Spring 2004

Paralegal Instructor: Developed and presented class curriculum for Legal Writing, Probate, & Criminal Law students.

New Hampshire Supreme Court, Chief Justice David Brock, Concord, NH, Aug. 2000-Aug. 2001

Law Clerk: Researched, analyzed, drafted, and edited appellate court opinions; presented court tours for court visitors.

United States District Court, District of New Hampshire, Concord, NH,

Magistrate Judge James Muirhead, Feb. 1999-Aug. 2000, Judge Shane Devine, Sept. 1998-Feb. 1999

Law Clerk: Produced trial court orders and instructions in consultation with my judge; assisted with numerous trial hearings.

University of Maine School of Law, Portland, Maine, 1997

Cumberland Legal Aid Clinic: *Student Attorney:* Drafted court pleadings; advised and represented clients at hearings.

Thompson & Bowie, P.A.: *Law Clerk:* Researched and drafted numerous motions for a personal injury, defense firm.

Maryland Department of Health & Mental Hygiene, Baltimore, Maryland, 1992-1994

Production and Clinical Dietitian: Supervised, trained, and evaluated 30 food service employees; coordinated the procurement and production of food for 300 patrons with quality assurance controls; assessed wellness plans for 210 patients.

EDUCATION

University of Maine School of Law, Portland, Maine, Juris Doctor, *Cum Laude*, May 1998

Class Rank 15/85; G.P.A. 3.15; Dean's List Spring 1996, 1998, Fall 1996, 1997, Justice Rudman Scholarship 1996 & 1997

Moot Court Board 1996-1998: One of four top oralists chosen to argue before the Maine Supreme Court

Maine Association of Public Interest Law 1995-1997, *Treasurer*, 1996; Environmental Law Society, *Secretary*, 1996

University of Maryland, College Park, Maryland, Master of Science, Nutrition, 1994

G.P.A. 3.48, Master's thesis research and statistical analysis in collaboration with the U.S.D.A., Beltsville, MD, 1992-1994

Graduate Teaching Assistant, Depart. of Nutrition & Food Science, 1990-1992; *Editor*, Nutrition Newsletter, 1991-92

University of Vermont, Burlington, VT, Bachelor of Science, Clinical Dietetics, 1989, G.P.A. 3.20; Post Graduate Courses, Clinical Nutrition, Political Science, 1990, G.P.A. 3.67; *Wellness Peer Educator* and *Residential Assistant*, 1988

1. The first step in the process of identifying a problem is to recognize that a problem exists. This is often done by comparing current performance with a desired state or goal.

2. Once a problem is identified, the next step is to define the problem more precisely. This involves determining the scope of the problem, the resources available, and the constraints that may be present.

3. The third step is to generate potential solutions. This is often done through brainstorming or other creative techniques. It is important to generate a wide range of options, even if some seem unlikely.

4. The fourth step is to evaluate the potential solutions. This involves comparing the benefits and costs of each option, and considering the feasibility of each. This step often involves the use of decision-making tools such as cost-benefit analysis or decision trees.

5. The final step is to implement the chosen solution. This involves putting the solution into action and monitoring its progress. It is important to be flexible and willing to adjust the solution if necessary.

6. After implementation, it is important to evaluate the results of the solution. This involves comparing the actual performance with the desired state and identifying any areas for improvement. This step is often done through the use of performance indicators or other metrics.

7. The final step in the process is to learn from the experience. This involves reflecting on what worked well and what did not, and using this information to improve future problem-solving efforts. This is often done through the use of debriefing sessions or other reflective practices.

8. The process of problem-solving is often iterative, meaning that it may be necessary to return to earlier steps as more information is gathered or as the situation evolves. This is a normal part of the process and should not be seen as a sign of failure.

9. It is important to remember that problem-solving is a skill that can be developed through practice. The more you practice, the better you will become at identifying problems and finding effective solutions.

10. Finally, it is important to stay positive and optimistic throughout the process. Problem-solving can be challenging, but it is also a rewarding and growth-oriented activity. Stay focused and determined, and you will be able to overcome any problem that comes your way.

11. The process of problem-solving is often a team effort. It is important to communicate effectively and work together to identify the problem and generate solutions. This often involves the use of collaborative tools and techniques.

12. It is also important to be open to feedback and criticism. This is often necessary to identify areas for improvement and to ensure that the solution is effective. This is often done through the use of peer reviews or other feedback mechanisms.

13. The process of problem-solving is often a learning experience. It is important to take time to reflect on what you have learned and to apply this knowledge to future problems. This is often done through the use of journaling or other reflective practices.

14. The process of problem-solving is often a creative process. It is important to think outside the box and to generate innovative solutions. This is often done through the use of brainstorming or other creative techniques.

15. The process of problem-solving is often a process of discovery. It is important to explore the problem from different angles and to uncover new insights. This is often done through the use of research or other investigative techniques.

16. The process of problem-solving is often a process of collaboration. It is important to work with others to identify the problem and to generate solutions. This is often done through the use of teamwork or other collaborative techniques.

17. The process of problem-solving is often a process of persistence. It is important to stay focused and determined, even when the solution is not immediately apparent. This is often done through the use of goal setting or other motivational techniques.

18. The process of problem-solving is often a process of resilience. It is important to be able to bounce back from setbacks and to continue to work towards the solution. This is often done through the use of positive thinking or other resilience-building techniques.

**New Hampshire Insurance Department
Organizational Chart**

Legal, Fraud & Enforcement

