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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

November 4, 2019

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 reappoint Daniel E. Will, Position # 9U260 (Appropriation # 02-20-20-201010-2620-013-500132), as an Assistant Attorney General at a salary level of \$116,000.00 retroactive to July 1, 2019 effective upon Governor and Executive Council approval for a term ending November 10, 2024.

EXPLANATION

Attorney Will is a resident of Loudon, and a member of the New Hampshire and Massachusetts Bars. He received his law degree from the Boston College Law School, *summa cum laude* in 1995, and his undergraduate degree from University of Pennsylvania, *cum laude* in 1989. He served as Editor-in-Chief for the Boston College *Law Review*, and is a member of the Order of the Coif, an academic honor based on exemplary achievement. He served as a judicial law clerk to the Honorable Morton A. Brody of the U.S. District Court for the District of Maine, and to the Honorable Norman H. Stahl of the U.S. Court of Appeals for the First Circuit.

From 1997 to 2018, he worked at Devine Millimet & Branch in Manchester where he became a shareholder in 2003 and a hiring partner in 2006. In August of 2018, he joined the New Hampshire Department of Justice as the State's first Solicitor General. Attorney Will is President-Elect of the New Hampshire Bar and has an extensive record of service to the community.

In view of Attorney Will's experience, I am requesting he be reappointed as an Assistant Attorney General at a salary of \$116,000.00. A copy of his resume is attached.

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2001 Laws of NH Chapter 158 amended RSA 94:1-a(1)(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.

I am very pleased to offer Attorney Will's reappointment 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

Enclosure

#2515246

Daniel E. Will

PROFESSIONAL EXPERIENCE

New Hampshire Department of Justice
Concord, NH

2018-present

- Solicitor General

Serve as New Hampshire's First Solicitor General. Responsible for and oversee all appeals in which State is involved. Analyze and prepare recommendations for the pursuit of appeals in decisions adverse to the State. Analyze and prepare recommendations on United States Supreme Court amicus briefs nationwide. Work with head of Civil Litigation Unit to devise strategies, analyze legal positions, assist in the preparation of pleadings and appear in court on cases of significant exposure or import to the State. Serve as a general legal and strategic consultant within the Department of Justice.

Devine Millimet & Branch
Manchester, NH

1997-2018

- Shareholder, Litigation Department, 2003-2018
- Member Board of Directors (Firm Management Committee), 2007-2018
- Hiring Partner, 2006-2018

Conducted trials in New Hampshire state and federal courts, appeals in the New Hampshire Supreme Court, Massachusetts Appeals Court, Massachusetts Supreme Judicial Court and United States Court of Appeals for the First Circuit. Handled all other aspects of civil litigation practice.

Practice areas include, among others, general commercial litigation (contract, lease, vendor, shareholder disputes, business torts), copyright and trademark, ERISA (benefits claims), patent litigation (principally but not exclusively in local counsel role), other statutory claims (Perishable Agricultural Commodities Act, New Hampshire Trade Secrets Act, and others), representation of charitable entities (property tax exemption in New Hampshire and Massachusetts, cy pres litigation), real property and title insurance disputes.

Serve as volunteer and paid mediator.

The Honorable Norman H. Stahl, United States Court of Appeals, First Circuit

1996-1997

- Law Clerk

The Honorable Morton A. Brody, United States District Court, District of Maine

1995-1996

- Law Clerk

Ropes & Gray
Boston, MA

Summer 1994

- Summer Associate
 - (permanent employment offer extended)

EDUCATION

Boston College Law School
Chestnut Hill, MA

JD summa cum laude, 1995

- Editor-in-Chief, Boston College Law Review, 1994-95
- Staff Member, Boston College Law Review, 1993-94
- Order of the Coif

University of Pennsylvania
Philadelphia, PA

BA cum laude, 1989

Phillips Academy Andover
Andover, MA

Graduated 1985

BAR ADMISSIONS

- New Hampshire, 1996
- Massachusetts, 1996
- United States District Court, District of New Hampshire, 2000
- United States Court of Appeals, First Circuit, 1996

PROFESSIONAL AFFILIATIONS

New Hampshire Supreme Court Attorney Discipline Hearings Panel, 2008-2016

New Hampshire Bar Association, 1997-present

- President Elect, 2019-2020
- Vice President, 2018-2019
- Member Board of Governors, 2014-2018
- Judicial Performance Evaluation Committee, 2013-present
- Committee on Cooperation with the Courts, 2005-present
 - Vice Chair, 2005-2008
 - Chair, 2009-2011

- Federal Practice Section, 2005-present
 - Chair, 2008
 - Vice Chair, 2007

Federal Court Advisory Committee, 2008-2014

- Local Rules Subcommittee, 2011 –present

Daniel Webster Batchelder American Inns Of Court, 2005-present

CHARITABLE ORGANIZATIONS

University of New Hampshire School of Law, Rudman Center Board of Advisors, 2019-present

Leadership New Hampshire, 2013-2014

New Hampshire Humanities Council Board of Directors, 2012-2018

New England College President's Advisory Board, 2011 -present

Bishop Brady High School Advisory Board, 2006-2018

- Advisory Board Chair, 2009
- Principal Selection Committee Chair, 2008-2009
- Principal Selection Committee member, 2013

Franklin Pierce Law Center

Panel judge for First and Second Annual Pierce Law Student Symposium, 2007 & 2008

St. Paul's School Advanced Studies Program, 2000-2010

- Alumni Interviewer

University of Pennsylvania, 2004-2010

- Alumni Interviewer

SEMINARS PRESENTED

Appellate Advocacy 2019

October 2019

- New Hampshire Bar Association

Issues in Business Litigation

2017

- New Hampshire Bar Association

- Electronic Discovery: The Hottest Topic in Litigation October 2006
- New Hampshire Bar Association
- The Road Ahead: Speed Bumps, Potholes & Detours for NH Behavioral & Mental Health Agencies November 2006
- Devine Millimet
 - presentation on charitable tax exemption
- Damages & Other Remedies in Commercial Litigation May 2007
- New Hampshire Bar Association
- Emerging Technical and Legal Issues Concerning Electronic Record Keeping and Discovery, Northern New England Society For Healthcare Risk Management May 2007
- 6th Annual Labor and Employment April 2007
- New Hampshire Bar Association
- Electronic Discovery September 2008
- New Hampshire Bar Association
- Federal Practice Institute 2011
- Annual Presenter 1997-2018
- Devine Millimet Associate Training
 - programs on appellate practice, negotiation/settlement and other litigation topics

BOOKS

A Practical Guide to Discovery and Depositions in New Hampshire, co-edited with Justice Hicks, NH Supreme Court (2011)

ARTICLES

Dear Diary: Can You Be Used Against Me?, Boston College Law Review (July 1994)

Good Faith Bargaining and Employers' Obligation to Substantiate Collective Bargaining Claims, Boston College Law Review (March 1994)

Preserving Electronic Information, BIA Report (May/June 2006)

Emerging Issue In Electronic Record-Keeping And Discovery, NH Bus. Rev. (February 2007)

The Federal Court Advisory Committee Helps You Help the Federal Court, NH Bar News (July 15, 2011)

PAD Rules' Disclosure Requirements Could Be Trouble in Business Litigation, NH Bar News (December 14, 2012)