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DEPARTMENT OF JUSTICE

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33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

July 24, 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 Daniel E. Will, Position # 9U260, Appropriation # 02-20-200510-2610-013-500132 as an Assistant Attorney at a salary level of \$108,981.87 effective upon Governor and Executive Council approval or August 20, 2018, whichever is the latter.

**EXPLANATION**

Earlier this year, the Legislature approved SB 390 which created the position of Solicitor General within the Attorney General's Office. This is a significant new role within our Office. The Solicitor General will serve as the Chief Legal Officer for the Department of Justice, and will oversee and coordinate appellate advocacy, a function that is now dispersed throughout the Office. The vast majority of Attorney General Offices have Solicitor Generals.

If this request is approved, I intend to designate Attorney Will as New Hampshire's first Solicitor General. He is exceptionally well qualified. 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.

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Attorney Will is one of New Hampshire's most distinguished practitioners. He has worked at Devine Millimet & Branch of Manchester since 1997. He became a shareholder in 2003, and has been a hiring partner since 2006. He also has an exemplary record of service to the community and to the Bar.

In view of Attorney Will's experience, I am requesting he be appointed as an Assistant Attorney at a salary of \$108,981.87. A copy of his resume is attached.

2001 Laws of NH Chapter 158 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.

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

Respectfully submitted,

  
Gordon J. MacDonald  
Attorney General

#2095838

**Daniel E. Will**

**PROFESSIONAL EXPERIENCE**

**Devine Millimet & Branch** 1997-present

- Shareholder, Litigation Department, 2003-present.
- Member Board of Directors (firm management committee), 2007-present.
- Hiring Partner, 2006-present.

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**  
Law Clerk. 1996-1997

**The Honorable Morton A. Brody, United States District Court, District of Maine**  
Law Clerk. 1995-1996

**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-present.**

### **New Hampshire Bar Association**

- Judicial Performance Evaluation Committee, 2013-present.
- Committee on Cooperation With The Courts, 2005-present (Vice Chair, 2005-8; Chair 2009-11).
- Federal Practice Section, 2005-present (Chair, 2008; Vice Chair, 2007).

**Federal Court Advisory Committee, 2008-present**

- Local Rules Subcommittee, 2011-present

**Daniel Webster Batchelder American Inns Of Court, 2005-present**

## **CHARITABLE ORGANIZATIONS**

**Leadership New Hampshire, 2013-14.**

**New Hampshire Humanities Council Board of Directors, 2012-present.**

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

**Bishop Brady High School Advisory Board, 2006-present.**

Advisory Board Chair, 2009.

Principal Selection Committee Chair, 2008-2009.

### **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**

- Electronic Discovery: The Hottest Topic In Litigation, NHBA (October 2006).
- The Road Ahead: Speed Bumps, Potholes & Detours For NH Behavioral & Mental Health Agencies, Devine Millimet (November 2006) (presentation on charitable tax exemption).
- Damages & Other Remedies In Commercial Litigation, NHBA (May 2007).
- 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, NHBA (April 2007).
- Electronic Discovery, NHBA (September 2008).

- Federal Practice Institute, (2011)
- Annual presenter, Devine Millimet Associate Training (programs on appellate practice, negotiation/settlement and other litigation topics)

## 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 BarNews (December 14, 2012).

## BOOKS

- A Practical Guide To Discovery And Depositions In New Hampshire, co-edited with Justice Hicks, NH Supreme Court (2011).