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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 13, 2021

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, NH 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

That approval be and hereby is given for the salary increases referenced in Appendix A for attorneys in the Department of Justice, **retroactive** to July 2, 2021 upon Governor and Executive Council approval, as authorized by 2001 N.H. Laws Chapter 158, Section 101, and 2021 N.H. Laws Chapter 91.

EXPLANATION

This request seeks your approval to implement salary increases for the attorneys listed in Appendix A, which does not include the attorney general or deputy attorney general. As explained below, the proposed increases were determined based on the merit-based system established by the Legislature in 2001. This item is **retroactive** because funds only became available upon passage of the 2022-2023 biennial budget after which time raise amounts were determined on the basis of individual assessments over the period of several weeks.

Salaries for Department of Justice attorneys, except the attorney general and deputy attorney general, are the product of a unique statutory construct. The Legislature, with the assistance of the Hay Group consulting firm, studied state salaries in 2000. With respect to Department of Justice attorney compensation, the study recommended the establishment of an open-range, broadband salary structure incorporating market anchors. A market anchor is a reference point within an overall range. Its purpose is to aid in salary management and recruitment. The Hay Group recommendation was intended to enhance the effective operation of the Department of Justice.

In 2001, the Legislature adopted a market-based anchor pay structure for unclassified Department of Justice attorneys, except for the attorney general and deputy attorney general. *See*, 2001 N.H. Laws Chapter 158, Section 101. That law provides that the “attorney general shall have the authority to place all attorneys of the department of justice in the appropriate position within the overall range, above, at, or below the market anchor salary.” *Id.* It further provides that the attorney general must consider the following factors when determining attorney compensation:

- (a) Tenure and progressive experience;
- (b) The nature of the work performed;
- (c) Increased independence of work performed and judgment exercised;
- (d) Achievement of pre-determined performance standards;
- (e) The acquisition and application of further education and training;
- (f) Demonstration of an increased frequency of undertaking the type and complexity of work normally associated with the next position level; and
- (g) Fulfilling a leadership or management role.

Id. The law requires that “the designation of position, salary levels, and salary increases for attorneys in the department of justice shall be determined by the attorney general, subject to approval by the governor and council, within appropriations made to the department of justice.” *Id.*

In 2021, the Legislature revised the market anchors and overall range for Department of Justice attorney salaries. *See*, 2021 N.H. Laws Chapter 91. The overall range in FY 2022 is \$54,617 to \$126,532 and \$55,252 to \$128,001 in FY 2023. The market anchors are as follows:

<u>Position</u>	<u>FY 2022</u>	<u>FY 2023</u>
Attorney	\$ 65,838	\$ 66,603
Assistant Attorney General	\$ 89,682	\$ 90,723
Senior Assistant Attorney General	\$110,722	\$112,007
Associate Attorney General	\$121,943	\$123,359

The Legislature made appropriations for attorney salary increases in the recently enacted 2022-2023 biennial budget. After due consideration of the statutory criteria for determining attorney compensation, I recommend the salary increases listed in Appendix A for Department of Justice attorneys. Variations in the amount or percentage of salary increase represent application of the statutory criteria to individual circumstances.

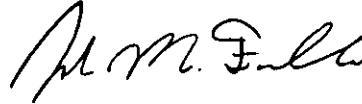
The people of New Hampshire are exceptionally well-served by the dedicated attorneys who work at the Department of Justice. The proposed salary increases provide a means to recognize their hard work, address disparities with salaries earned by other public and private sector attorneys, and retain a talented work force of stalwart public servants. It bears noting that

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even if the recommended salary increases are approved, the majority of salaries on the attached schedule remain below the 2021 market anchors.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.M. Formella". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John M. Formella
Attorney General

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APPENDIX A

DOJ Attorney Salary Raise Sheet Retroactive to July 2, 2021

Last Name	First Name	Position #	Title	Annual Salary	Salary Increase	New Salary
Agati	Benjamin	9U289	Senior Assistant Attorney General, Chief, Homicide Unit	\$100,000.00	\$4,000.00	\$104,000.00
Albert	Gregory	9U581	Assistant Attorney General	\$75,000.00	\$5,000.00	\$80,000.00
Aslin	Christopher	9U038	Senior Assistant Attorney General	\$88,000.00	\$4,000.00	\$92,000.00
Boffetti	James	9U500	Associate Attorney General, Director, Legal Counsel Division	\$116,000.00	\$4,000.00	\$120,000.00
Broadhead	Matthew	9U053	Senior Assistant Attorney General, Chief, Transportation and Construction Bureau	\$100,000.00	\$4,000.00	\$104,000.00
Brooks	Kelvin	9U042	Senior Assistant Attorney General, Chief, Environmental Protection Bureau	\$100,000.00	\$4,000.00	\$104,000.00
Chase	Scott	9U035	Assistant Attorney General	\$71,000.00	\$9,000.00	\$80,000.00
Cherniske	Joseph	9U648	Assistant Attorney General	\$83,000.00	\$6,000.00	\$89,000.00
Cherniske	Heather	9U541	Assistant Attorney General	\$84,000.00	\$8,000.00	\$92,000.00
Chong Yen	Nicholas	9U635	Assistant Attorney General	\$80,000.00	\$3,000.00	\$83,000.00
Donovan	Thomas	9U258	Senior Assistant Attorney General, Director, Charitable Trusts Unit	\$103,000.00	\$1,000.00	\$104,000.00
Edwards	Anne	9U487	Associate Attorney General, General Counsel	\$116,000.00	\$4,000.00	\$120,000.00
Foley	Jennifer	9U290	Assistant Attorney General	\$90,000.00	\$8,000.00	\$98,000.00
Garland	Samuel	9U061	Assistant Attorney General	\$71,000.00	\$10,000.00	\$81,000.00
Garod	Brandon	9U223	Senior Assistant Attorney General, Chief, Consumer Protection/Anti-Trust Bureau	\$100,000.00	\$4,000.00	\$104,000.00
Garrigan	John	9U355	Assistant Attorney General	\$72,000.00	\$5,000.00	\$77,000.00
Gill	Sean	9U049	Associate Attorney General, Chief of Staff	\$116,000.00	\$4,000.00	\$120,000.00
Goering	Emily	9U584	Assistant Attorney General	\$70,000.00	\$11,000.00	\$81,000.00
Hagaman	Meghan	9U361	Assistant Attorney General	\$68,000.00	\$13,000.00	\$81,000.00
Harrington	Rachel	9U636	Assistant Attorney General	\$79,000.00	\$3,000.00	\$82,000.00
Harrison	Joshua	9U220	Assistant Attorney General	\$70,000.00	\$8,000.00	\$78,000.00
Higham	Zachary	9U634	Assistant Attorney General	\$65,000.00	\$8,000.00	\$73,000.00
Hinckley	Peter	9U045	Senior Assistant Attorney General	\$103,000.00	\$4,000.00	\$107,000.00
Jimenez	Daniel	9U540	Attorney	\$78,904.80	\$4,095.20	\$83,000.00
Johnson	Stephanie	9U583	Assistant Attorney General	\$77,000.00	\$8,000.00	\$85,000.00
Kenison-Marvin	Nathan	9U607	Attorney	\$64,742.40	\$8,257.60	\$73,000.00
King	Jessica	9U060	Assistant Attorney General	\$70,000.00	\$12,000.00	\$82,000.00
Lavallee	Daniel	9U225	Assistant Attorney General	\$76,000.00	\$7,000.00	\$83,000.00
Locke	Sean	9U604	Assistant Attorney General, Chief, Civil Rights Unit	\$76,000.00	\$5,000.00	\$81,000.00
Lombardi	Laura	9U048	Senior Assistant Attorney General, Chief, Civil Appellate Unit	\$100,000.00	\$4,000.00	\$104,000.00
Maki	Benjamin	9U537	Assistant Attorney General	\$73,000.00	\$5,000.00	\$78,000.00
Moeser	Stacie	9U215	Attorney	\$73,846.80	\$7,153.20	\$81,000.00
Morrell	Susan	9U499	Senior Assistant Attorney General	\$106,000.00	\$3,000.00	\$109,000.00
Neville	Heather	9U503	Assistant Attorney General	\$84,500.00	\$4,000.00	\$88,500.00
O'Neill	Jesse	9U602	Assistant Attorney General	\$80,000.00	\$8,000.00	\$88,000.00
Palmeria	Amanda	9U224	Assistant Attorney General	\$65,000.00	\$10,000.00	\$75,000.00
Perlow	Jill	9U488	Senior Assistant Attorney General, Chief, Client Counseling Unit	\$100,000.00	\$4,000.00	\$104,000.00
Phillips	Sherri	9U565	Assistant Attorney General	\$78,000.00	\$3,000.00	\$81,000.00

APPENDIX A

DOJ Attorney Salary Raise Sheet Retroactive to July 2, 2021

Last Name	First Name	Position #	Title	Annual Salary	Salary Increase	New Salary
Quinlan	Diane	9U632	Assistant Attorney General, Deputy Director, Charitable Trusts Unit	\$98,000.00	\$3,000.00	\$101,000.00
Rakhmatova	Takhmina	9U216	Assistant Attorney General	\$66,000.00	\$9,000.00	\$75,000.00
Ramsey	Jennifer	9U375	Assistant Attorney General	\$87,000.00	\$10,000.00	\$97,000.00
Rotman	David	9U631	Senior Assistant Attorney General	\$95,450.16	\$2,549.84	\$98,000.00
Sager	Weston	9U056	Assistant Attorney General	\$73,000.00	\$7,000.00	\$80,000.00
Sakowski	Danielle	9U261	Senior Assistant Attorney General, Chief, Drug Prosecution Unit	\$92,500.00	\$4,500.00	\$97,000.00
Sisson	Edward	9U050	Assistant Attorney General	\$74,000.00	\$8,000.00	\$82,000.00
Smith	Nancy	9U288	Senior Assistant Attorney General	\$108,000.00	\$3,000.00	\$111,000.00
Sosnowski	Alexandra	9U552	Attorney	\$70,812.00	\$4,188.00	\$75,000.00
Speicher	Joshua	9U647	Assistant Attorney General	\$78,000.00	\$5,000.00	\$83,000.00
Strelzin	Jeffery	9U350	Associate Attorney General, Director, Public Protection Division	\$116,000.00	\$4,000.00	\$120,000.00
Sullivan	Timothy	9U637	Senior Assistant Attorney General, Chief, Public Integrity Unit	\$88,000.00	\$8,000.00	\$96,000.00
Towle	Zachary	9U059	Attorney	\$64,742.40	\$5,257.60	\$70,000.00
Townsend	Bryan	9U047	Assistant Attorney General	\$80,000.00	\$9,000.00	\$89,000.00
Ward	Geoffery	9U054	Senior Assistant Attorney General, Chief, Criminal Justice Bureau	\$108,000.00	\$4,000.00	\$112,000.00
Wilson	Christina	9U605	Assistant Attorney General	\$71,000.00	\$11,000.00	\$82,000.00
Woodcock	Elizabeth	9U504	Senior Assistant Attorney General	\$98,500.00	\$3,000.00	\$101,500.00
Worboys	Thomas	9U217	Senior Assistant Attorney General, Director, Medicaid Fraud Control Unit	\$90,000.00	\$4,000.00	\$94,000.00
Totals:				\$4,781,998.56	\$331,001.44	\$5,113,000.00