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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

April 16, 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 appoint Thomas R. Worboys, Position # 9U217 (Appropriation # 02-20-20-200510-2615-013-500132) as an Assistant Attorney General, at a salary level of \$78,110.00 effective upon Governor and Executive Council approval or May 10, 2019, whichever is the latter. Mr. Worboys will be fulfilling a position term which ends on September 20, 2020.

**EXPLANATION**

Mr. Worboys is a resident of Manchester 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. Prior to joining the Department, Mr. Worboys worked at the Flynn Law Firm between 2003-2008 and at Morrison Mahoney, LLP from 2008-2013. Between 2013-2018 he worked at Colucci, Colucci, Marcus & Flavon, P.C., Milton, Massachusetts. In May 2018, he joined the Department as an Attorney in the Medicaid Fraud Control Unit. I am requesting he be appointed as an Assistant Attorney General at a salary of \$78,110.00. I plan to continue his assignment in the Medicaid Fraud Control Unit. A copy of his resume is attached.

RSA 94:1-a(I)(c)(3) provides 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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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,

  
Gordon J. MacDonald  
Attorney General

#2346250

# Thomas T. Worboys

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## Legal Experience

### **NEW HAMPSHIRE DEPARTMENT OF JUSTICE**

**CONCORD, NH**

*Attorney, May 2018 to Present*

- Assigned to the Medicaid Fraud Control Unit of the Office of the Attorney General.
- Responsible for investigating and prosecuting Medicaid provider fraud, patient abuse and neglect in nursing homes and assisted living facilities, and financial exploitation of elderly and disabled individuals.
- Appeared before grand juries to investigate and obtain indictments relative to false Medicaid claims, investigated matters concerning injury to and death of nursing home and assisted living residents, and obtained conviction for diversion of opioid medications from skilled nursing facility.

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

**MILTON, MA**

*Junior Partner, November 2013 to April 2018*

- Practice principally concerned personal injury matters with a focus on claims involving nursing homes and assisted living residences.
- Acted 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, Presentations and Continuing Education**

- 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. Arbella 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, *Health Care Proxies and Guardianships*, Massachusetts Bar Association (2019); *How to Get Paid: Fee Structures, Referrals and Collecting*, Massachusetts Bar Association (2016); *Massachusetts Continuing Legal Education, Nursing Home Litigation Seminar* (2012).
- Continuing Legal Education, *101 Medicaid Fraud Training Program*, National Association of Medicaid Fraud Control Units, Montgomery AL (February 26-28, 2018); *Advanced Trial Techniques*, National Association of Attorneys General, Concord, NH (January 29-31, 2019); *2018 NAMFCU Annual Training Program*, National Association of Medicaid Fraud Control Units, San Diego, CA (October 1-4, 2018); *Practical Skills*, New Hampshire Bar Association, Concord, NH (June 13-14, 2018).

### **Published Decisions**

- *MacCausland v. Uber Technologies, Inc.*, 312 F.Supp.3d 209 (D. Mass. 2018).
- *Hill Financial Services Co. v. Murphy*, 87 Mass. App. Ct. 1112 (2015), further appellate review denied, 472 Mass. 1106 (2015).
- *Licata v. GGNSC 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).