

NOV06'20 AM10:15 RCVD 137 *scm*

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 5, 2020

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 to the Attorney General to grant a salary increase to Thomas R. Worboys, as an Assistant Attorney General (Position #9U217, Appropriation #02-20-20-200510-2615-013-500132), from a salary level of \$85,000 to a salary level of \$90,000 upon Governor and Executive Council approval or November 20, 2020, whichever is later.

EXPLANATION

In accordance with the 2001 N.H. Laws Chapter 158, Section 101, and 2018 N.H. Laws Chapter 162, Section 14, this request seeks your approval to grant a salary increase for Assistant Attorney General Thomas R. Worboys.

Mr. Worboys is a resident of Nashua. He received his law degree from Northeastern University School of Law in 2003. Prior to joining the Department of Justice, Mr. Worboys worked in Massachusetts at the Flynn Law Firm from 2003 through 2008 and at Morrison Mahoney, LLP from 2008 through 2013. Between 2013 and 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 (MFCU) and was appointed an Assistant Attorney General on May 10, 2019. In December 2019, Mr. Worboys was named the Director of the MFCU and was designated as a Senior Assistant Attorney General on November 5, 2020. His salary will increase by \$5,000, from \$85,000 to \$90,000. I will continue his assignment as Chief of the Medicaid Fraud Control Unit.

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,

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subject to approval of the Governor and Council, within appropriations made to the Department of Justice.

I respectfully urge your favorable consideration of this request. Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'G. MacDonald', with a long horizontal line extending to the right.

Gordon J. MacDonald
Attorney General

#2936813

Thomas T. Worboys

Legal Experience

NEW HAMPSHIRE DEPARTMENT OF JUSTICE

CONCORD, NH

Assistant Attorney General, May 2019 to Present

Attorney, May 2018 to May 2019

- Serve as Director of the Medicaid Fraud Control Unit of the Office of the Attorney General.
- Responsible for overseeing and managing staff of attorneys, law enforcement officers, and financial analyst in the investigation and prosecution of Medicaid provider fraud, patient abuse and neglect, drug diversion, and financial exploitation of elderly and disabled individuals.
- Obtained convictions at trial and by plea for felony level false claims and theft 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, 102A Medicaid Fraud Training Program, National Association of Medicaid Fraud Control Units, Pittsburgh, PA (November 19-21, 2019); Annual Training Conference, Northeast Healthcare Law Enforcement Association, Eastham, MA (May 15-16, 2019); 101 Medicaid Fraud Training Program, National Association of Medicaid Fraud Control Units, Montgomery AL (February 26-28, 2019); 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. GGNCS 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).