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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

October 5, 2022

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 James R. Davis to Position #9U355 (Appropriation #02-20-20-200510-26110000-013-500132), as an Assistant Attorney General at a salary of \$109,000, effective upon Governor and Executive Council approval or October 21, 2022, whichever is later, for a term ending October 31, 2023.

EXPLANATION

Mr. Davis, a resident of Hancock, earned a Bachelor of Arts, *with distinction*, from the University of Virginia in 1981, and a Juris Doctor, *cum laude*, from Wake Forest University School of Law in 1984. He was admitted to the New Hampshire Bar in 1984 and has been engaged in private practice in Keene for over 37 years. He first joined Bragdon, Berkson, and Mangones, PC, as an Associate, in 1984. He was an Officer, Director and Shareholder at Bragdon, Berkson, Davis and Klein, PC, (or predecessor firms) from 1990 to 2000. From 2000 to 2022 he was an Officer, Director and Shareholder of Davis and Hockensmith, PC, (or predecessor firms). He served on the New Hampshire Bar Association Board of Governors from 1991 to 1993 and was Secretary of the Cheshire County Bar Association from 1991 to 2014. He was honored with the New Hampshire Bar Association Pro Bono Award for Cheshire County in 2016. He joined the Department's Consumer Protection and Anti-Trust Bureau on April 29, 2022. In light of Mr. Davis' contributions to the Consumer Protection Bureau and experience, I am requesting he be appointed as an Assistant Attorney General. His salary will increase by \$1,770.40 from \$107,229.60 to \$109,000. I will continue his assignment in the Consumer Protection Bureau. 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,

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
October 5, 2022
Page 2 of 2

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

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J M Formella".

John M. Formella
Attorney General

#3729888

JAMES ROMEYN (J.R.) DAVIS

PROFESSIONAL EXPERIENCE

DAVIS & HOCKENSMITH, PC *or predecessor firms*
28 Middle Street
Keene, NH

Officer, Director, & Shareholder
January 2000 – April 2022

BRAGDON, BERKSON, DAVIS & KLEIN, PC *or predecessor firms*
82 Court Street
Keene, NH

Officer, Director, & Shareholder
January 1990 – January 2000

Associate
August 1984 – December 1989

Thirty-seven years general practice with extensive experience in litigation, administrative law, and office practice; numerous trials, including jury and issues cases, motion hearings, and oral arguments in all NH state courts and federal courts, including district, bankruptcy, First Circuit Court of Appeals, and Federal Circuit Court of Appeals - on brief only.

Practice areas have included:

- **Municipal law:** zoning board of adjustment applications and appeals; planning board applications and appeals; *mandamus*; road law; municipal governance; Right to Know; town meeting; warrant articles; employment; town governance; and competitive bidding. Clients included municipalities, municipal boards, applicants, owners, and opponents;
- **Real estate:** quieting title, deed interpretation, specific enforcement, partition, adverse possession, prescriptive easements, trespass, landlord and tenant, plea of title, *etc.* Clients included owners, buyers, claimants, and financial entities;
- **Bankruptcy and debtor/creditor:** Chapters 7, 11, and 13 cases, foreclosures, enjoining foreclosures, statutory accountings, collections, fraudulent conveyances, consumer protection, *etc.* Clients included secured parties, debtors, and interested parties;
- **Civil rights:** state based and 42 USC §1983. Clients included claimants;
- **Employment law:** commission and compensation, restrictive covenants, wrongful discharge, “*for cause*” and “*good cause*” discharges, violation of protective legislation, wage claims, retaliatory claims, breach of fiduciary duty, trade secrets, *etc.* Clients included claimants and defendants;
- **Contract claims:** interpretation of express terms, disputes regarding implied terms, breaches of implied and express warranties, breaches of implied obligations of good faith and fair dealing, damages, *quantum meruit* claims, *etc.*;
- **Tort cases:** automobile, dog bite, premises liability, slip and fall, negligence, conversion, trover, negligent misrepresentation, deceit, *etc.* Clients included claimants and defendants;
- **Family law:** divorce, parenting disputes, grandparent rights, alimony, child support, prenuptial agreement interpretation, guardianships, minor and adult, abuse, neglect, CHINS, *etc.*;
- **Criminal law:** defense of felonies, misdemeanors, and violations before state circuit and superior courts; representation of minor victims in felony sexual assault cases;
- **Arbitration:** construction; engineering; private arbitration in contract disputes, uninsured motorist arbitration, and superior court arbitration in diverse areas;

- **Mediation:** personal injury cases, real property disputes, timber trespasses, building contract disputes, partnership and business dissolutions/accountings, and probate proceedings; &
- **Transactional practice and conveyancing:** residential and commercial real estate, land development, and entity sales ranging from negotiating, zoning, subdivision, site plan review, variance, special exception, title examination, financing review, and closing transactions representing buyers, sellers, and secured parties in transactions up to \$16M.

BAR ADMISSIONS

New Hampshire: 1984 to present

United States Court of Appeals – 1st Cir. (Boston, MA): 1985 to present

United States District Court – District of NH (Concord, NH): 1984 to present

United States Bankruptcy Court – District NH (Manchester, NH): 1984 to present

United States District Court – ED Wisc. (Milwaukee, WI): 1995 – 1996

NEW HAMPSHIRE BAR ASSOCIATION

Member: 1984 - present

Board of Governors: 1991 - 1993

CHESHIRE COUNTY BAR ASSOCIATION

Member: 1984 - present

Secretary: 1991 - 2014

RECOGNITION

2016 NHBA Distinguished *Pro Bono* Award (Cheshire County)

EDUCATION

Wake Forest University School of Law
Winston-Salem, NC

Juris Doctorate, *cum laude* 1984

University of Virginia
Charlottesville, VA

Bachelor of Arts, *with distinction* 1981
