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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

4D

September 20, 2023

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 Catherine A. Denny, Position #9U500 (Appropriation #02-20-20-201010-2620-013-500132) as an Assistant Attorney General at a salary level of \$89,000, effective upon Governor and Executive Council approval or October 6, 2023, whichever is later, for a term ending October 31, 2027.

EXPLANATION

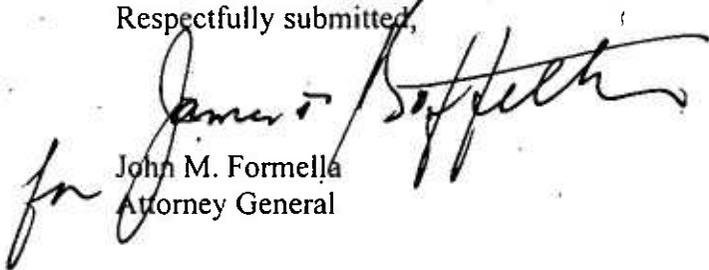
Ms. Denny, a Norwich, Vermont resident, is a member of the New Hampshire and District of Columbia Bars and holds inactive status in the Colorado Bar. She earned her Bachelor of Arts, *magna cum laude*, from Colby College in 2008, and her Juris Doctor from University of Denver Sturm College of Law in 2014. She was a Deputy Public Defender with the Office of the State Public Defender (Adams County) in Brighton, Colorado from 2014 to 2015. Between 2016 and 2021, she was Senior Attorney at the DC Tenants' Rights Center in Washington, D.C. Ms. Denny joined the Department in 2022 and was assigned to the Civil Law Bureau's Litigation Unit. I plan to continue her current assignment. Ms. Denny's salary will increase by \$3,000 from \$86,000 to \$89,000. A copy of her resume is attached.

RSA 21-M:3 and RSA 94:1-a 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 pleased to offer Ms. Denny's appointment as an Assistant Attorney General at the above-referenced salary for your approval and respectfully urge your favorable consideration.

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
September 20, 2023
Page 2 of 2

Respectfully submitted,



for *John M. Formella*
John M. Formella
Attorney General

#4175319

Catherine Denny Resume

BAR ADMISSION

State of New Hampshire (Admitted June 2022, Active)

State of Colorado (Admitted November 2014, Inactive)

United State District Court, District of New Hampshire (Admitted November 2022, Active)

PROFESSIONAL EXPERIENCE

New Hampshire Department of Justice, Office of the Attorney General September 2022-present

Attorney

- Represented the State of New Hampshire, state agencies, and state employees in civil actions filed in state and federal court and the Board of Claims, in all stages of civil litigation, including responsive pleadings, discovery, summary judgment, settlement, and appeals.
- Drafted eight successful motions to dismiss
- Litigated hearings on motions to dismiss, motions for preliminary injunction, and motions for summary judgment. Successfully drafted eight motions dismiss and litigated one successful motion for summary judgment
- Negotiated settlements on behalf of the State, agencies, and employees
- Provided litigation support to other divisions within the NH DOJ

DC Tenants' Rights Center, Washington, DC

May 2016-June 2021

Senior Attorney

- Advised D.C. tenants about any issue they have with their landlord, including lease terminations, utilities, evictions, property conditions, security deposits, rent control violations, and other contract disputes
- Litigated on behalf of tenants in multiple forums in the District, including D.C. Superior Court (civil division, landlord and tenant, and small claims), the Office of Administrative Hearings, the Office of Human Rights, and the Rental Housing Administration, in all aspects of litigation, including evidentiary hearings, mediations, motions hearings, and trials
- Drafted successful motions to dismiss, motions to seal, motions for summary judgment, motions for reconsideration, and appeals
- Secured punitive and compensatory damages for a tenant in a civil jury trial, on claims of wrongful eviction and assault
- Negotiated over one hundred settlements on behalf of tenants
- Represented tenants and tenant associations seeking to exercise their rights under the Tenant Opportunity to Purchase Act (TOPA), assisting with the purchase of several multimillion-dollar rental properties
- Filed lawsuits against landlords for claims including wrongful eviction, toxic mold, and carbon monoxide poisoning, and obtained favorable settlements
- Supervised and trained three junior attorneys

Catherine Denny Resume

Office of the State Public Defender (Adams County), Brighton, CO November 2014-December 2015

Deputy Public Defender

- Represented clients in all aspects of criminal defense, including discovery, advisements, plea negotiations, written motions, motions hearings, trial, and sentencing, for charges including assault, child abuse, harassment, and driving under the influence
- Represented clients in twelve criminal jury trials; eight trials resulted in an acquittal on all charges

Killmer, Lane, and Newman, LLP, Denver, CO

Fall 2013

Legal Intern

- Drafted memoranda and performed research on cases involving excessive force and illegal searches and seizures under 42 U.S.C. § 1983, employment discrimination and hostile work environment under Title VII of the Civil Rights Act, and minimum wage disputes under the Fair Labor Standards Act
- Attended trials and settlement negotiations in federal court

Office of the State Public Defender (Douglas County), Castle Rock, CO

Summer 2013

Certified Intern

- Represented clients in all aspects of criminal defense under the Student Practice Act
- Represented clients in four criminal trials for driving under the influence, driving without a license, and harassment, resulting in one acquittal

Office of the State Public Defender, Denver County Trial Office, Denver, CO

Summer 2012

Legal Intern

- Drafted motions and memoranda for attorneys, including motions to suppress evidence seized during illegal search, exclude prior bad acts under 404(b), exclude hearsay evidence, and reconsider probation
- Equal Justice Works Summer Corps recipient

EDUCATION

University of Denver Sturm College of Law, Denver, CO 80210

J.D. 2014; Constitutional Rights and Remedies Certificate

- Milton and Jean Morris Endowed Scholarship, 2013-2014
- Academic Achievement Program Leader (Professor Farrell), spring and fall 2013, assisted students in developing legal study skills in area of Criminal Law
- Research Assistant (Professor Best), fall 2013, researched treatment of residual hearsay exceptions among different states to update *Wigmore on Evidence* supplement
- Competitions: Client Counseling Competition; CU/DU Moot Court; Environmental Moot Court
- Organizations: American Civil Liberties Union, *Treasurer*

Colby College, Waterville, ME 04901

B.A. 2008; Double Major: Government and International Studies

- Honors: *Magna cum Laude*, Distinction in International Studies

Catherine Denny Resume

LEGISLATIVE ADVOCACY AND COMMUNITY ENGAGEMENT

- Mentor at the D.C. Bar Pro Bono Center Advocacy and Justice Clinic, in which I was assigned to mentor pro bono attorneys representing tenants in eviction and housing conditions cases, from 2019 through 2021
- Represented D.C. Tenants Rights Center at monthly Housing Casehandlers Meetings, from 2019 through 2021
- Testified on behalf of the D.C. Tenants' Rights Center at two D.C. Council committee meetings with other industry and legal services organizations, advocating for strengthening rent control protections and closing the rent concession loophole
- Guest on the Kojo Nnamdi Show, "The District of Columbia – Habitating with Bedbugs," January 2020

OTHER ACTIVITIES AND INTERESTS

Dartmouth Skiway, *Ski Instructor* (winter 2022)

Norwich Nursery School, *Treasurer*