

JH

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

1 GRANITE PLACE SOUTH
CONCORD, NEW HAMPSHIRE 03301

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

130

April 7, 2025

Her Excellency, Governor Kelly A. Ayotte
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 H. Holl, III as an Attorney to Position #9U048 (Appropriation #02-20-20-200510-2620-013-500132) at a salary level of \$107,000, effective upon Governor and Executive Council approval or May 2, 2025, whichever is later.

EXPLANATION

Mr. Holl, who is relocating to New Hampshire from Chantilly, Virginia, earned his Bachelor of Arts in Political Science from the University of California – Los Angeles in 1991, and his Juris Doctor from Pepperdine University School of Law in Malibu, California in 1995. In law school, he was a Research Fellow for Professor Gregory Ogden in Ethics and Remedies. Prior to graduation, he served as a legal intern at the United States Attorney's Office, Central District of California in Los Angeles. After graduating from law school, he was hired as an Associate Attorney at Booth, Mitchel & Strange, LLP in Los Angeles, where his practice areas focused on general commercial litigation, surety litigation, insurance defense litigation, appellate practice, bankruptcy, labor, and unemployment. In 1997, he relocated to Vienna, Virginia, where he was hired as an Associate Attorney at Wickwire Gavin, P.C. and focused his practice on general commercial litigation, construction litigation, surety litigation, government contracts, and bankruptcy. In 1998, Mr. Holl joined the United States Department of Justice, Civil Division, Commercial Litigation Branch as a Trial Attorney, where he was a Multiple Performance Award recipient. As a member of the litigation team, he handled both independent litigation and an appellate docket, participating in over 30 oral arguments before the United States Court of Appeals for the Federal Circuit. Since 2003, Mr. Holl has been a Chief Trial Attorney for the United States Commodity Futures Trading Commission of Enforcement, where he was a Multiple Performance and Star Award recipient, and a F.B.I. Award Recipient for

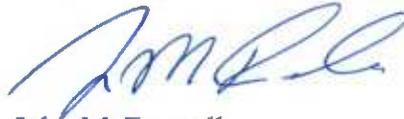
Her Excellency, Governor Kelly A. Ayotte
and the Honorable Council
April 7, 2025
Page 2 of 2

Excellence in Cooperative Enforcement. He consistently manages one of the largest dockets among Division Chief Trial Attorneys. He is admitted to practice law in California and the District of Columbia. Considering Mr. Holl's experience, I am requesting that he be appointed as an Attorney at a salary of \$107,000. He will be assigned to the Civil Bureau's Civil Litigation Unit. His resume is attached.

RSA 21-M:3 and RSA 94:1-a(I)(c) provide that the 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 very pleased to offer Mr. Holl's appointment as an Attorney at the above-referenced salary for your approval and respectfully urge your favorable consideration. Thank you.

Respectfully submitted,



John M. Formella
Attorney General

#4971104

James H. Holl, III

Experience Summary: Seasoned litigator and manager of an enforcement staff widely recognized for my ability to achieve effective, positive results while simultaneously managing the efforts of multiple legal and forensic professionals and their dockets. Manage 25+ active matters in various stages of investigation and litigation as part of an individual docket and across staff. Directly responsible for investigations and litigation involving complex financial cases pertaining to potential manipulation of diverse derivatives markets, fraud, and trade practice violations. Award-winning collaborator with criminal and other civil enforcement authorities. Excellent oral and written communication skills.

Work History

U.S. Commodity Futures Trading Commission, Division of Enforcement

2003-Present

Chief Trial Attorney (CT -15)

- Supervisor with direct oversight responsibility for a group of 10-12 trial lawyers, economists, paralegals and investigators
 - Assign cases and work directly with attorneys and staff to set objectives, formulate means and methods, and monitor progress
 - Review of all written product generated by team members
 - Budget management for cases
 - Attorney and Investigator performance assessment and reviews
 - Reporting responsibility regarding team caseload status
 - Coordinate with other Divisions within the CFTC to leverage internal resources in the handling of investigations
- Oral and written briefings of Commissioners and Staff regarding investigations, litigation, and risk analyses
- Conduct investigations of complex financial matters relating to violations of the Commodity Exchange Act and the Dodd-Frank Wall Street Reform and Consumer Protection Act
 - Investigations of potential trade practice violations, fraudulent, or manipulative activity by financial institutions, hedge funds, foreign exchange trading firms, futures and options trading firms, introducing brokers and traders
- Drafting of memoranda requesting formal authority to issue subpoenas and file lawsuits for injunctive relief in United States District Courts to enjoin fraudulent activity
- Lead counsel responsible for conducting all aspects of civil litigation on behalf of the CFTC in United States District Courts
- Recognized for exceptional ability to coordinate investigation and litigation efforts with concurrent criminal investigations by U.S. Department of Justice and the Federal Bureau of Investigation (F.B.I.)
- Approach to cases: highly organized and professional approach to personally handling cases and managing others. I believe that no problem should be presented without a recommended, thought-out solution.
- Multiple Performance and Star Award Recipient

Case Highlights

- Lead counsel on *U.S. CFTC v. Deutsche Bank*, SDNY – first injunctive action filed in U.S. District Court for swaps reporting violations
- Prevailed in contested hearings on Motions for Statutory Restraining Order and Order of Preliminary Injunction (multiple witnesses plus exhibits)
- Prevailed as lead counsel in bench trial in \$20+ million fraud
- Negotiated administrative settlement of seminal manipulation action involving no direct evidence of intent (proved intent via inference from trading activity)
- F.B.I. Award Recipient for Excellence in Cooperative Enforcement
- Led vanguard in bringing market timing/late trading and under-capitalization/under-segregated cases on behalf of the Commission
- Consistently managing one of the largest dockets among Division Chief Trial Attorneys

United States Department of Justice, Civil Division, Commercial Litigation Branch

1998 - 2003

Trial Attorney (GS-15)

- Personal responsibility for handling all aspects of heavy trial-level caseload before the United States Court of Federal Claims and the United States Court of International Trade
 - Litigation primarily involving Government contracts, Fifth Amendment Takings cases, complex commercial litigation, and international trade
- Personal responsibility for handling all aspects of appellate caseload before the United States Court of Appeals for the Federal Circuit
 - Over 30 oral arguments
- Member of litigation team while attending to independent litigation and appellate docket
- Multiple Performance Award recipient

Case Highlights/ Reported Decisions (*denotes multiple arguments/decisions in same case)

- American Pelagic Fishing Co. v. United States, 55 Fed. Cl. 575 (2003), *rev'd and remanded with order to dismiss*, 379 F.3d 1363 (Fed. Cir. 2004)
- Classified TRO hearing involving DOD government contract
- Allegheny Bradford Corp v. U.S., 342 F. Supp.2d 1162 (CIT 2004)
- Slater Steels Corp. v. U.S., 297 F.Supp. 2d 1351 (CIT 2003)
- Snyder v. U.S., 54 Fed. Cl. 686 (2002)
- Taylor v. U.S., 54 Fed. Cl. 423 (2002)
- Airplane Sales Int. Corp. v. U.S., 54 Fed. Cl. 418 (2002)
- Nyeholt v. Sec. of Veterans Affairs, 298 F.3d 1350 (Fed. Cir. 2002)
- Mitsubishi Heavy Industries v. U.S., 275 F.3d 1056 (Fed. Cir. 2001)*
- Koenig & Bauer-Albert v. U.S., 259 F.3d 1341 (Fed. Cir. 2001)*
- U.S. v. Action Products, 2001 WL 196762 (CIT 2001)
- Bray v. U.S., 48 Fed. Cl. 781 (2001)
- Sheehan v. Dept. of the Navy, 240 F.3d 1009 (Fed. Cir. 2001)
- Kachanis v. Department of the Treasury, 212 F.3d 1289 (Fed. Cir. 2000)
- Aimcor Alabama Silicon v. U.S., 83 F. Supp. 2d 1293 (CIT 1999)

Wickwire Gavin, P.C. Vienna, Virginia

1997 - 1998

Associate Attorney

- General litigation practice before Federal and State courts with significant involvement in large cases
- Extensive client contact and counseling
- Practice Areas: general commercial litigation, construction litigation, surety litigation, government contracts, bankruptcy

Publications: "Look Out! Potentially Troublesome and Beneficial New Provisions for Sureties," ABA TIPS Annual Meeting, 1998; "The Grey Areas of Default - Revisited," *The Brief*, (ABA 1997).

Booth, Mitchel & Strange, LLP Los Angeles, California

1994 - 1997

Associate Attorney

- Personal responsibility for handling cases before Federal and State trial courts and courts of appeal; drafting pleadings, arguing law and motion, assisting at trial, drafting appellate briefs and arguing appeals
- Extensive client contact and counseling
- Practice Areas: general commercial litigation, surety litigation, insurance defense litigation, appellate practice, bankruptcy, labor and employment

United States Attorney's Office, Central District of California Los Angeles, California

January 1995 - May 1995 (*legal intern*)

- Legal research and writing on various criminal law issues
- Work with AUSAs and investigating agents on case development

Education

Pepperdine University School of Law Malibu, California

Juris Doctorate - May 1995

- Honors Trial Practice
- Research Fellow for Professor Gregory Ogden in Ethics and Remedies

University of California, Los Angeles Los Angeles, California

BA - Political Science - December 1991

- Dean's List - g.p.a. 3.4
- Political Science Department Teaching Assistant

INTERESTS Golf, Reading, Travel, Alpine Skiing, Computers, Martial Arts, Yoga, Cooking, & Supporting youth sports

Admitted to the California Bar and the District of Columbia Bar