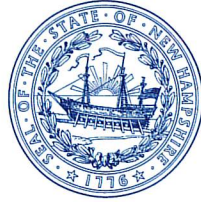


**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

72 - 9/2/26

1 GRANITE PLACE SOUTH
CONCORD, NEW HAMPSHIRE 03301

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

August 14, 2026

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 Benjamin D. Bernatz to Position #9U222 (Appropriation #02-20-20-200510-26100000-013-500132) as an Attorney, at a salary level of \$90,000, effective upon Governor and Executive Council approval, or September 4, 2026, whichever is later. 100% General Funds.

EXPLANATION

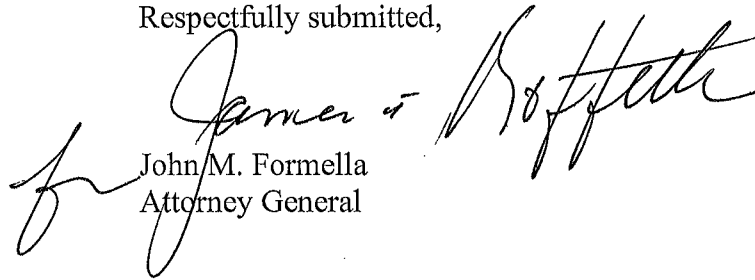
Mr. Bernatz, a Manchester resident, graduated from Luther College in Decorah, Iowa, in 2017 with a Bachelor of Arts degree in Classics. He earned his Juris Doctor, *magna cum laude*, from the University of Massachusetts School of Law in 2022. While in law school, he served as Associate Editor of the *University of Massachusetts Law Review*. He was a legal intern at the Bristol County District Attorney's Office in Massachusetts, where he argued bail hearings, revocations, and other motions as a Rule 303 intern. He conducted legal research and drafted memoranda in support of prosecutorial operations. He began his legal career as an Assistant County Attorney at the Hillsborough County Attorney's Office, where he prepared felony cases for trial. While there, he prosecuted fifteen felony cases to a jury verdict and negotiated resolutions for many more. Considering Mr. Bernatz's experience, I am requesting that he be appointed as an Attorney with a salary of \$90,000. He will be assigned to the Criminal Justice Bureau. A copy of 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.

Her Excellency, Governor Kelly A. Ayotte
and the Honorable Council
August 14, 2026
Page 2 of 2

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John M. Formella".

John M. Formella
Attorney General

#5684111

Benjamin D. Bernatz

EDUCATION

University of Massachusetts School of Law, Dartmouth, MA

Juris Doctor, May 2022

Magna Cum Laude

UMass Law Review

Luther College, Decorah, IA

B.A., Classics, May 2017

BAR ADMISSIONS

New Hampshire

LEGAL DISSERTATIONS

Saying Bayh to Patent Tradition and Hello to the Future: The Bayh-Dole Act of 1983, the Constitution, and American Technological Supremacy

Independently written legal dissertation discussing the Bayh-Dole Act, which permits private parties ownership of patent rights in intellectual property created with federal government funding, its relationship to the policy justifications for patent law generally, and the significant public benefit realized as a result of its implementation.

The Final Foxhunt: The Common Law of Capturing Asteroids

Independently written legal dissertation proposing a legal framework for determining property rights in asteroid mining based on common law rule of capture principles.

LEGAL EXPERIENCE

County Attorney's Office, Hillsborough County, NH

Assistant County Attorney January 2023-May 2026

Worked independently to prepare felony cases for trial, demonstrating superior legal reasoning, writing, and oral advocacy. Prosecuted fifteen felony cases to a jury verdict, and secured negotiated resolutions in many more. Developed excellent working relationships with fellow prosecutors, victims, law enforcement, the defense bar, and the Court.

District Attorney's Office, Bristol County, MA

Legal Intern January 2022-May 2022

Argued bail hearings, revocations, and other motions as a Rule 303 intern. Completed legal research and drafted memoranda in support of the Office's prosecutorial operations, including motions to the court on evidentiary issues and motions to suppress.

University of Massachusetts Law Review, Dartmouth, MA

Associate Editor 2020-2022

Los Angeles Legal Self-Help Center, Los Angeles, CA

Volunteer October 2015-December 2015

Met with litigants, listened to their stories, and helped them during high-stress and emotional periods in their lives. Helped litigants fill out important paperwork, such as complaints and judgements.

Northwestern University Mock Trial, Evanston, IL

President 2013-2014

Member 2011-2015

Worked with lawyers and judges to understand rules and procedures and advocate effectively in a courtroom. Lead team to one 4th place finish and two 8th place finishes at the national tournament. Trained new members to understand the law, case documents, and evidence.