

## **An Interview with Attorney General Michael Delaney**

By Sabrina C. Beavens

*Trial Bar News* recently interviewed New Hampshire Attorney General Michael Delaney, who was appointed to office in August 2009 by Governor John Lynch. Attorney General Delaney's path to the head of the Department of Justice started from the trenches as a first year associate learning from seasoned trial lawyers. Thereafter, he transitioned to public service at the Department of Justice rising to the post of Chief of the Homicide Unit. Now, after several years serving as Governor Lynch's Legal Counsel, Delaney has returned to the Department of Justice as Attorney General where today's challenging economic times have left a noticeable mark. The questions and answers below were culled from an extensive interview held in February of 2010.

TBN: Let's begin with the basics and start with your early year. You were born in Danvers, Massachusetts, the youngest of five children, attending parochial school at both the elementary and secondary levels. What about college and law school?

*Delaney: I attended Holy Cross, graduating in 1991 with a degree in political science and Spanish. I received my J.D. from Georgetown University in 1994.*

TBN: I read that you began practice with Wiggin & Nourie in 1994 and remained there for 5 years. What were some of the important lessons from your time in private practice?

*Delaney: Wiggin & Nourie was a great place to start my career as a lawyer, and at an early stage, the attorneys at Wiggin & Nourie helped me understand the difference between being a civil litigator and being a trial attorney. I was trained in my early years by trial attorneys and that has made a huge difference for me during my career. . . Attorneys Richard McNamara, Dort Bigg and William Orcutt had extensive experience in jury trial practice, and they taught me the intangibles of presenting a case to a jury. Those experiences helped me a great deal when I began my career as a prosecutor at the Department of Justice.*

TBN: Why did you decide to leave Wiggin & Nourie for the public sector?

*Delaney: I believe in public service. I find it the most fulfilling work. I had worked on some white collar crimes in private practice and enjoyed the work. My first assignment at the Department of Justice was with the Criminal Bureau, where I had the chance to work on some high profile homicide cases, including the prosecution of Gary Lee Sampson, Joseph Whittey and Robert Tulloch and James Parker.*

TBN: You rose quickly within the DOJ first to Chief of the Homicide Unit and then Deputy Attorney General. Why did you decide to leave the Department to work as legal counsel for Governor Lynch?

*Delaney: Working in the Governor's office allowed me to continue serving the public while meeting a new challenge and growing professionally. I enjoyed it, but it was a transition from my prior legal jobs. People negotiate in the State House very differently than lawyers negotiate the disposition of lawsuits, and in that regard, I brought to the State House a method of negotiation and persuasion that needed to be adjusted. That was a big challenge and I think the most difficult part for me in transitioning from the Department of Justice to the Governor's Office was learning to argue for and advance public policy in a very different way.... I had the opportunity to step outside of both the private practice of law and my former role at the Department of Justice, and I spent a few years working on public policy. It very much broadened my horizons. It gave me an opportunity to look at the practice of law and look at the Bar from a little bit of a different perspective than I had when serving as an attorney in private practice and at Justice, and I think the experience is one that will make me a better lawyer in the long term.*

TBN: How so?

*Delaney: I felt like I had an opportunity to step outside of the fishbowl of the traditional practice of law and view the profession from the perspective of those who are not attorneys. I gained a much deeper appreciation for the importance of the separation of powers as a critical foundation of our democracy. And I had the opportunity to watch,*

*first hand, the legislative and executive branches functioning. I gained a much better understanding and appreciation of their roles in state government.*

TBN: What has been your biggest challenge during these first months back at the Department?

*Delaney: The economy. Like every other agency, we have been asked recently to reduce our biennial budget by 2% for the 2010 fiscal year and 8% for the 2011 fiscal year. But even as we make cuts, we face an increased demand for legal services by our state agencies. I also see a need for a more vigilant role addressing cases of consumer fraud. This interplay between the budget cuts and increased demand for our legal services will be one of our more significant challenges.*

TBN: Within this context, how have you prioritized goals for the next several years?

*Delaney. We will stay focused on the core mission of Justice and do it well during difficult times.*

TBN: How do you see your core mission?

*Delaney: The core mission at the Department of Justice has been the prosecution of major crimes, diligent representation of the State in civil litigation, and the protection of the environment and consumers. And so, I do believe that all the citizens are expecting government right now to focus on their core mission at a time when everyone is struggling.*

TBN: You mentioned an increased vigilance in the area of consumer protection.

*Delaney: During the recession, I recognize the need for the Department of Justice to maintain a strong and vibrant consumer protection bureau. We are working to*

*reallocate some resources from tasks such as approval of condominium subdivisions toward more critical consumer issues of identity theft and telemarketing fraud.*

TBN: What about on the criminal side?

*Delaney: In addition to our prosecutorial responsibilities, the Department has a strong commitment to protecting children against sexual predators and threats posed by the internet. I think from an educational standpoint for both teachers, parents and kids, we really need to be aggressive in making sure that our citizens understand both the opportunities that are presented with new technologies but also the dangers that are there for our kids. We have been doing a lot in connection with our cybercrime plan to do outreach and to work with the Department of Education and schools on training initiatives to promote awareness relative to online threats, and I think that is an important area going forward.*

TBN: Do you have any particular mentors, any other attorneys you would point to as exemplars in the role of AG.

*Delaney: I have my predecessors. I am cognizant that I have been given the opportunity to sit at a desk that was once occupied by Justice Souter and just a tremendous group of attorneys general that have led the Department of Justice, including Steve Merrill, Tom Rath, Phil McLaughlin. I have worked with many of them and have admired the careers of those that came before me.*

TBN: What about others who want to follow in your path? Do you recommend work at the DOJ?

*Delaney: I do not think there is a more fulfilling job as an attorney than working in the public sector and I would encourage all attorneys that think they have an interest in it to*

*seriously explore it.... In terms of training, if you look at the alumni at the Department of Justice – we have had the best attorneys in the State come through the Department of Justice if you look back over the last 30 years. And if you look at the best litigators in the State, if you look at the judiciary, if you look at those that have moved on to elected office...the Department of Justice really has been one of the breeding grounds for some of the best attorneys in the State. So, I would encourage anyone thinking about a change in their private career to consider public service and specifically consider the Department of Justice.*

TBN: You have been very generous with your time. Anything else we should address before we close?

*Delaney: Two points. First, that I fundamentally believe in the role of state government to make a positive difference in the lives of our citizens, and at the Department of Justice you work for the best client that anyone could ask for – the people of the State of New Hampshire. Second, that I could not do this work without the support of my wife, Caroline. [Editor's note: Caroline Delaney is an Attorney with Morrison Mahoney, LLP]*