

OFFICE OF THE PUBLIC DEFENDER (OPD)
NJ CONTINUING LEGAL EDUCATION PROGRAM
Lauren Petty, Director of Training

**What Criminal Attorneys Need To Know About IEPs
(Individualized Education Plans)**

via Zoom webinar

1.2 NJ CLE Credits; 1 PA CLE Credit

Tuesday, September 22, 2026 - 12:30-1:30

AGENDA

12:30-1:30 Presenters:

Ruby Kish, Asst. Deputy Public Defender, Essex Youth Defense

Daniel O'Brien, Deputy Director of Statewide Mental Health
Diversionary Programs and Competency Litigation

Topics:

- What is an IEP and the difference between an IEP and a 504 plan
- Process for evaluations and how to request one
- How to spot "red flags" where schools may have failed to act appropriately
- How to use IEPs in Criminal Defense work

PRESENTERS

Ruby Kish, Esq.

Ruby Kish, Esq., graduated *summa cum laude* from Rutgers Law School–Newark in 2020. Following law school, she was awarded a Skadden Fellowship at the Education Law Center, where she launched a project focused on providing educational advocacy to justice-impacted youth as a strategy to disrupt the school-to-prison pipeline.

Ms. Kish continued this work as a staff attorney at Disability Rights New Jersey's Youth Justice Project. There she provided direct legal representation to justice-impacted youth in Essex County, including attending IEP meetings, securing appropriate behavioral supports, representing students at disciplinary hearings, and advocating for increased educational services. She successfully litigated against school districts in matters involving discipline and school exclusion. Through the Youth Justice Project, she also represented youth with disabilities in county detention centers, ensuring they received appropriate special education services.

Ms. Kish's path to becoming an attorney was shaped by her own experiences at home and in her community. Her advocacy on behalf of her son led her to found a Special Education Parent Advisory Committee and serve as a volunteer special education advocate. Motivated to expand this work, she pursued a legal career focused on dismantling the school-to-prison pipeline and

increasing access to pro bono legal services in underserved communities. In September 2025, Ms. Kish joined the New Jersey Office of the Public Defender, where she continues to provide educational advocacy to justice-impacted youth and is expanding this practice statewide.

Daniel O'Brien, Esq.

Dan O'Brien is the Deputy Director of Statewide Mental Health Diversionary Programs and Competency Litigation. Joining the OPD in 2012, he spent a decade with the Division of Mental Health Advocacy, before joining Essex Adult Trial in 2022 he focused focusing on representing clients diagnosed with mental illness and intellectual disabilities. He has delivered trainings on topics related to mental health statewide. In 2025, he was appointed Deputy Director, continuing his leadership in the cross-section of criminal and mental health representation. He has worked on developing internal policies and guidance on representing multisystem clients.

Dan earned his B.A. from William Paterson University and his J.D. from St. Thomas University School of Law. He is appointed to the Board of Continuing Legal Education where he contributes to statewide continuing legal education reforms.