



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

DYFS IN-SERVICE TRAINING

April 12, 2011

9:30 a.m. to 4:00 p.m.

Department of Children & Families ¹

222 South Warren Street

Trenton, NJ

Program Summary

The Division of Law's DYFS Practice Group will be providing various presentations during this program. The topics and presenters are listed on the following pages. These programs, each of which will be one hour, will cover a variety of substantive topics directly related to the Group's Practice.

Who Should Attend?

The In-Service Program is for those attorneys and other legal staff assigned to the Division of Law's DYFS Practice Group **only**. The Advocacy Institute has provided, or may provide, certain of these presentations, or similar presentations, for other government attorneys.

Who Is the Faculty?

See attached.

How Do I Register?

Registration will be through the Division of Law's Intranet **only**. Please do **not** attempt to register through the Advocacy Institute's web page.

¹ **All** programs will be held at the Department of Children and Families **except** the *Using the DYFS Brief Bank* program, which will be held at the Richard J. Hughes Justice Complex, 25 Market Street, 5th Floor Computer Training Room, Trenton, New Jersey.

CLE Credit (See attached for details)

NJ CLE Credit: Up to 4.8 substantive credits

NY CLE Credit: Up to 4.5 substantive credits (pursuant to the approved jurisdiction policy)

PA CLE Credit: Up to 4.0 substantive credits (\$1.50 mandatory registration fee for **each** credit)

DYFS PRACTICE GROUP IN-SERVICE PROGRAM DESCRIPTIONS²

PROGRAM 1: DYFS APPELLATE SEMINAR (CASES FROM THE PAST YEAR)

The New Jersey Supreme Court and Appellate Division have recently issued many significant published decisions affecting DYFS Practice. This presentation will review the decisions, interpret their meaning and discuss methods to integrate the holdings into daily practice in ways that best support DYFS's mission. **(2:00 p.m. to 4:00 p.m.)**

PRESENTERS: Peter Alvino, Lauren Carlton, Geraldine Livengood & Andrea Silkowitz

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 2.0 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 2.0 substantive credits (pursuant to the approved jurisdiction policy)

PA CLE Credit: 1.5 substantive credits (\$3.00 mandatory registration fee required)

PROGRAM 2: DYFS EVIDENCE II

This presentation will discuss how to cope with objections commonly interposed by our adversaries in FN, FG and OAL cases, and how to make objections to testimony and documents proffered by the defense. Experienced and inexperienced deputies are encouraged to attend; there will be a lot of discussion. **(11:30a.m. to 12:30p.m.)**

PRESENTER: Lauren Carlton

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.2 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and 1.2 qualify as hours of credit toward certification in civil trial law.

NY CLE Credit: 1.0 substantive credits (pursuant to the approved jurisdiction policy)

PA CLE Credit: 1.0 substantive credits (\$1.50 mandatory registration fee required)

PROGRAM 3: ETHICS OF WITNESS PREPARATION

This presentation discusses the duty of an attorney to prepare witnesses for trial and the ethical line between proper preparation and unethical coaching. Subjects include the keys to preparing for the testimony of clients and third party witnesses, discussing probable hostile cross-examination and the ethical limits of witness preparation. **(10:15a.m. to 11:15a.m.)**

² All programs are listed in alphabetical order.

PRESENTER: Jim Harris

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.2 hours of total CLE credit. Of these, 1.2 qualify as hours of credit for ethics/professionalism, and 1.2 qualify as hours of credit toward certification in civil trial law.

NY CLE Credit: 1.0 ethics credit (pursuant to the approved jurisdiction policy)

PA CLE Credit: 1.0 ethics credit (\$1.50 mandatory registration fee required)

PROGRAM 4: FACT FINDING STRATEGIES

Using examples from actual cases, this presentation will address preparation and admission of evidence; preparing for effective direct and cross examination; and meeting and making objections, including addressing theories of the case that are not supported by the facts. **(2:00p.m. to 3:00p.m.)**

PRESENTERS: Eleanor Armstrong and Liana Dinallo

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.2 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and 1.2 qualify as hours of credit toward certification in civil trial law.

NY CLE Credit: 1.0 substantive credits (pursuant to the approved jurisdiction policy)

PA CLE Credit: 1.0 substantive credits (\$1.50 mandatory registration fee required)

PROGRAM 5: HOW TO FILE YOUR FNs

This presentation will cover the basics of filing protective services litigation from conferencing with your client to presenting your initial case to the court. Techniques from several different counties will be addressed. A discussion of protective services case law and methods to address evidentiary objections will also be included. **(11:30a.m. to 12:30p.m.)**

PRESENTERS: Lea DeGuilo and Patricia O'Dowd

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.2 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and 1.2 qualify as hours of credit toward certification in civil trial law.

NY CLE Credit: 1.0 substantive credits (pursuant to the approved jurisdiction policy)

PA CLE Credit: 1.0 substantive credits (\$1.50 mandatory registration fee required)

PROGRAM 6: LICENSING RELATIVES AS RESOURCE FAMILY HOMES

This presentation will review how relative home studies move from resource unit to LO Manager to OOL, and what can happen if the relative is ruled out for cause, including appeals of substantiated findings, appeals of rule outs, and appeals of license denial by OOL. The presentation will also delve into the Appellate Division's recent rulings in rule outs for cause. **(10:15a.m. to 11:15a.m.)**

PRESENTER: Christian Arnold

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.2 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 1.0 substantive credits (pursuant to the approved jurisdiction policy)

PA CLE Credit: 1.0 substantive credits (\$1.50 mandatory registration fee required)

PROGRAM 7: Q & A DISCUSSION GROUP

This program will allow for the discussion of topics relevant to the DYFS Practice Group's mission in these challenging times. This program will have a Q & A format intended to elicit candid discussion of various issues DYFS deputies face in their practice. **(10:15a.m. to 11:15a.m.)**

FACILITATOR: Lauren Carlton

***** THIS IS A NON-CLE ELIGIBLE PROGRAM *****

PROGRAM 8: STRATEGIC TRIAL DECISIONS IN TERMINATION OF PARENTAL RIGHTS CASES

This presentation will discuss: 1) How to use the case management and pretrial conferences to your strategic advantage; 2) Developing and refining exhibit and witness lists; 3) Service issues, and 4) Practical suggestions for obtaining as much information as possible about the late-appearing defendant in order to meet the reasonable efforts and best interests standards. **(11:30a.m. to 12:30p.m.)**

PRESENTERS: Mary Jane Lembo Cullen, Lisa Landsman & Nora Pearce

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.2 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and 1.2 qualify as hours of credit toward certification in civil trial law.

NY CLE Credit: 1.0 substantive credits (pursuant to the approved jurisdiction policy)

PA CLE Credit: 1.0 substantive credits (\$1.50 mandatory registration fee required)

PROGRAM 9: THE ART AND SCIENCE OF CROSS EXAMINATION

This interactive workshop addresses both fundamental and advanced concepts of cross-examination. Subjects include the basic rules of cross examination, the science of proper impeachment techniques, more advanced issues regarding the cross examination of experts, and preparing witnesses for cross examination by your adversary. **(2:00p.m. to 3:00p.m.)**

PRESENTER: Jim Harris

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.2 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and 1.2 qualify as hours of credit toward certification in civil trial law.

NY CLE Credit: 1.0 substantive credits (pursuant to the approved jurisdiction policy)

PA CLE Credit: 1.0 substantive credits (\$1.50 mandatory registration fee required)

PROGRAM 10: USING THE DYFS BRIEF BANK

This course will provide hands-on training with computers for utilizing the DYFS Practice Group's searchable database. This database, which is on the DOL Intranet, allows DYFS deputies and paraprofessionals to locate, save and/or print out unpublished cases and briefs regarding topics they are dealing with in their cases. **(2:00p.m. to 4:00p.m.)**

PRESENTER: Eva Nagy

*****THIS IS A NON-CLE PROGRAM *****

FACULTY BIOGRAPHIES

Peter Alvino graduated from Rutgers Law School in 1987 and joined the Division of Law in 1988. Peter has represented the Division of Youth and Family Services in both FN and FG cases in all of the northern counties and has written and argued numerous appeals, including two before the Supreme Court. He is currently Section Chief for DYFS-North.

Eleanor Armstrong graduated *magna cum laude* from Case Western Reserve University School of Law in 1995. After completing a clerkship with the Honorable Amy Piro Chambers and the Honorable Glenn Berman in Middlesex County, Eleanor worked in private practice doing primarily insurance defense work and federal railroad litigation. She joined the Division of Law in 1998, and has represented the Division in both protective services and guardianship matters. In 2004, Eleanor was promoted to a lead DAG and, in 2008, she was promoted to Assistant Section Chief for DYFS - Essex.

Christian Arnold graduated from Harvard Law School in 1993 and began his legal career as a Deputy Attorney General in the Public Utilities Section of the Division of Law. In 1999, Chris transferred to the DYFS North Section and has represented the Division in both protective services litigation and guardianship matters since that time. Chris has been a supervisor in the DYFS North section since 2005, and has been an Assistant Section Chief in DYFS North since September of 2009.

Lauren Carlton joined the Division of Law in 1981 after graduating from Duke Law School. First hired as a Law Assistant, Lauren was a DYFS deputy for many years before being promoted to Assistant Section Chief for Consumer Protection and Securities, and then to Chief for a combined Securities and DYFS Section. Lauren has created and taught many courses for DYFS staff and for Deputies in lawyering skills and substantive DYFS law, created the DYFS DAG Manual and enhanced the DYFS brief bank. She is presently AAG in Charge for the DYFS Practice Group and loves her work.

Mary Jane Lembo Cullen is a graduate of Gonzaga University School of Law and was licensed to practice law in New Jersey in 1983. She was in private practice for six years before joining the Office of the Attorney General in 1990. Mary Jane has litigated guardianship and protective service cases throughout her tenure as a deputy. She is an Assistant Section Chief for DYFS Central. Mary Jane has handled numerous cases wherein the applicability of ICWA was at issue, and she has organized and lectured at instructional workshops for DYFS staff on this topic.

Lea DeGuilo is a *summa cum laude* graduate of Hartwick College, and a 1997 graduate of Rutgers Law School-Newark. After a clerkship with the Honorable Bette E. Uhrmacher, she joined the Division of Law in 1998.

Liana Dinallo graduated New York Law School in 1997 and joined the Division of Law in 1999 after two years in private practice. Liana started her career representing DYFS in Union County handling protective services litigation and was transferred two years later to Essex County to handle

guardianship matters. Liana has taught several fact finding classes for the DYFS practice group and has conducted various litigation trainings for the client. In January, 2004, Liana was promoted to Lead supervisor. She was appointed Assistant Section Chief for DYFS-Essex in December 2009.

Jim Harris has served as a Deputy Attorney General in the New Jersey Department of Law and Public Safety for more than 25 years. During that time, he has worked in criminal justice, juvenile justice, and civil law. DAG Harris is currently Chief of the DYFS South section. In the past, he has litigated cases for clients that include the State Police, the New Jersey Judiciary, the Department of Corrections, the Division of Youth and Family Services and the Bureau of Parole. He has had numerous jury and non-jury trials involving civil rights, employment discrimination, whistle blowers, child abuse and parental termination. He has successfully argued numerous cases before the New Jersey Supreme Court and the Third Circuit Court of Appeals. He is a graduate of Rutgers University of Law, Camden, where he was Managing Editor of the Law Journal. DAG Harris also has an LL.M from Columbia School of Law in New York City.

Lisa Landsman graduated from Cardozo School of Law in 1984 and has been a member of the New Jersey bar since 1984. She joined the Division of Law in January 1985 in the DYFS practice group and served as a lead deputy before being promoted to the Section Chief of DYFS-Central. Lisa has spent her entire legal career as a DYFS deputy, following a six year stint as a DYFS social worker in the adoption unit.

Geraldine O. Livengood is a graduate of St. John's University Law School and was licensed to practice law in 1977. She was an Assistant Essex County Prosecutor from 1977-1985 during which she engaged in both appellate and trial work. She handled more than fifty jury trials and served as the director of the juvenile trial section. In that capacity, she was an instructor in the Prosecutor's Juvenile Justice Clinic at Seton Hall Law School. Since 1988, Ms. Livengood has represented DYFS, litigating both protective services and guardianship matters and handling many appeals. She is a Lead Deputy Attorney General in the DYFS-North Section.

Eva Nagy has been with Division of Law as an Attorney Assistant since 1998. Ms. Nagy received a Masters Degree from Boston University in Criminal Justice, as well as two other degrees, one which is in Social Studies with Legal Specialization. In 1999, Ms. Nagy first developed a searchable database of the unpublished/published decisions regarding DYFS cases. Through her continued efforts, the entire compilation was added to the DOL's computer system in a searchable database, as were copies of the decisions themselves. This database is an ongoing project and every year a compilation is prepared and new cases are added. The unpublished/published decisions can now be obtained from the intranet and anyone can now access this valuable resource.

Patricia O'Dowd is a graduate of Rutgers University and graduate of Rutgers Law School - Camden. Patricia worked in private practice, as municipal public defender, and joined the Division of Law in 1998. Patricia has represented the Division in both protective services and guardianship litigation in various counties.

Nora Pearce graduated from Seton Hall Law School and has been a member of the NJ bar since 1988. She joined the Division of Law in September 1989 in the DYFS practice group and is

currently an Assistant Section Chief in DYFS-South. Prior to the practice of law, she was employed by AT&T as a Division Marketing Manager.

Christina Ramirez graduated from Rutgers School of Law - Newark in 2000, and was licensed in December of 2000. Christina clerked for two criminal Judges in Essex County before joining the Division of Law on September 9, 2001. Since that time Christina has been handling the guardianships out of the Union County East Local Office. Last year, Christina conducted a training session entitled "Everything You Wanted to Know about Guardianship Trials but Were Afraid to Ask" and has assisted in preparing numerous other training opportunities.

Andrea Silkowitz clerked during the summer and fall of 1975 for the Division of Law and joined the Division as a Law Assistant in September 1976. She was appointed a Deputy Attorney General in December 1976. In 1981, Andrea assumed the position of Deputy Attorney General in Charge of Appeals in Trenton and in late 1982, transferred to the Newark office, where she has continued to supervise appeals. In July 1987, she was appointed as an Assistant Attorney General. Andrea has argued numerous appeals before the Supreme Court of New Jersey, the Appellate Division, and the Third Circuit.