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*The Advocacy Institute, in Conjunction With the Assistant Prosecutors Association  
of New Jersey, Is Pleased to Announce*

## **PROGRAM ANNOUNCEMENT**

### **APA/AGAI 3RD ANNUAL CLE CONFERENCE**

**April 28, 2012**  
**8:00 a.m. to 4:00 p.m.<sup>1</sup>**  
**New Jersey Law Center**  
**1 Constitution Square**  
**New Brunswick, New Jersey**

#### *Program Summary*

This program will include various presentations throughout the day. The topics and presenters are listed on the following pages. These presentations will cover a variety of topics concerning substantive and ethics issues directly related to criminal practice. Also, New Jersey Attorney General Jeffrey S. Chiesa will provide the keynote address.

#### *Who Should Attend?*

This seminar is for Assistant Prosecutors and Division of Criminal Justice Deputy Attorneys General who are paid members of the APA of New Jersey **only**. If you have any questions regarding the status of your office membership or for details on how to join the Association, please consult the APA website: [www.APAofnj.org](http://www.APAofnj.org).

#### *Who Is the Faculty?*

See attached.

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**Registration and breakfast will be from 8:00 a.m. to 9:00 a.m.**

### *How Do I Register?*

Most State and some county employees will be able to register for this course by going to <http://reg.dcj.lps.state.nj.us/login.aspx?portalid=2> and creating an account. (Your computer must be attached to the government's Garden State Network.). If you are unable to access the above link kindly email the Advocacy Institute at: [AdvocacyInstitute@lps.state.nj.us](mailto:AdvocacyInstitute@lps.state.nj.us) for an authorization code to allow you access to the registration system through the My New Jersey portal. **Once you receive the authorization code you will be prompted to go to the My New Jersey portal at <http://www.state.nj.us/> and create an account, if you do not already have one.** Once you do, you then will be able to register through the portal at <http://www.state.nj.us>.

### *CLE Credit*

**NJ CLE Credit:** This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for up to 6.4 hours of total CLE credit. Of these, up to 2.0 qualify as hours of credit for ethics/professionalism, and up to 6.4 qualify as hours of credit toward certification in criminal trial law.

**NY CLE Credit:** Up to 4.0 substantive credits and up to 2.0 ethics credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** Up to 3.5 substantive credits and up to 1.5 ethics credits (\$1.50 mandatory registration fee required **per credit hour**).

### *Special Notice*

As many of you are aware, the Attorney General's Advocacy Institute cannot, pursuant to OMB guidance, as interpreted by this office, provide refreshments at its programs. In this instance, our cosponsor, The Assistant Prosecutors Association of New Jersey, is graciously doing so. Because this is a joint-venture for educational purposes, Deputy Attorneys General and Assistant Attorneys General attending this program may partake of the refreshments. If, however, you are planning to attend this program and are *not* a Deputy Attorney General or Assistant Attorney General, you should check with your Department's or agency's ethics officer to see what, if any, restrictions exist on your partaking in these refreshments. Please do not contact the Institute on this issue. Thank you.

## **PROGRAM DESCRIPTIONS<sup>2</sup> & FACULTY BIOGRAPHIES**

### **COPING WITH PSYCHIATRIC AND PSYCHOLOGICAL TESTIMONY**

Expert testimony by mental health professionals can pose a major challenge for attorneys. This presentation will focus on the following topics that have recently emerged, and how to handle these issues: distinctions between a forensic and clinical assessment, false confessions, malingering mental illness and cognitive loss, use of specialized forensic tests (*e.g., Miranda*, competency, etc.), diagnosing mental disability, experts who cite research studies, and what experts and attorneys need from each other. Case examples will be used to illustrate various points. **(9:00 a.m. to 11:00 a.m.)**

**Louis B. Schlesinger, PhD** is Professor of Forensic Psychology, John Jay College of Criminal Justice, Diplomate in Forensic Psychology, American Board of Professional Psychology, and Distinguished Practitioner, National Academies of Practice. He is past-President of the New Jersey Psychological Association, former member and Chair, Special Classification Review Board of the Adult Diagnostic and Treatment Center (appointed by the Governor and Commissioner of Corrections), and former member of the Senate Task Force that rewrote Megan's Law (appointed by the then Senate President and Acting Governor). Dr. Schlesinger is co-principal investigator with the FBI Behavioral Science Unit on their extraordinary crime research project, as well as advisory board member of the FBI Behavioral Analysis Unit, Quantico. Dr. Schlesinger has published numerous articles in peer-reviewed scientific journals, as well as ten books, including *Psychopathology of Homicide*, *Sexual Dynamics of Anti-Social Behavior*, *Explorations in Criminal Psychopathology*, *Serial Offenders*, and *Sexual Murder: Catathymic and Compulsive Homicides*.

**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 hours qualify as hours of credit for ethics/professionalism, and 2.0 hours qualify as hours of credit toward certification in criminal trial law.

**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).

### **APPELLATE ISSUES**

This presentation will discuss the ins & outs of the many strategic issues facing appellate advocates before putting pen to paper. These include deciding whether to appeal, selecting issues to appeal, prioritizing those issues, offering alternate grounds for relief, and the differences between briefing cases in the New Jersey Supreme Court and the Court of Appeals for the Third Circuit. **(11:30 a.m. to 12:30 p.m.)**

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<sup>2</sup> These programs are listed in their order of presentation. Attorney General Chiesa's Keynote address, which is not CLE-eligible, will be from 11:00 a.m. to 11:30 a.m.

**Justice James H. Coleman, Jr. (Retired)** is currently Of Counsel to the firm of Porzio, Bromberg, Newman, P.C.. He focuses his practice on advising attorneys and clients on appellate strategy and on acting as a mediator or arbitrator of complex, private and public disputes. Justice Coleman was nominated to be an Associate Justice of the Supreme Court by Governor Whitman in October 1994 and served in that capacity with distinction until his 70th birthday in 2003, the mandatory judicial retirement age. He was the first African-American to serve on the New Jersey Supreme Court. Justice Coleman was born and raised in Lawrenceville, Virginia. Prior to his appointment to the Supreme Court, Justice Coleman served as a presiding judge of the Appellate Division of the Superior Court from 1987 to 1994, a judge of the Appellate Division from 1981 to 1987, a Superior Court trial judge from 1978 to 1981, and a judge of the Union County Court from 1973 to 1978. Justice Coleman is a *cum laude* graduate of Virginia State University and received his law degree from Howard University School of Law.

**DAG Paul Heinzl** is Chief of the Division's Appellate Bureau, where he has worked since 1993. He became the Bureau's Assistant Chief in 2002, Deputy Chief in 2007, and has been the Chief since 2008. He has argued before the Appellate Division, New Jersey Supreme Court, and Third Circuit on numerous occasions on multiple issues.

**AAG Robert Lougy** has served as Deputy Director of the Division of Law since 2011. In that capacity, he has been involved in appellate practice in the Appellate Division, the Supreme Court of New Jersey, and the Court of Appeals of the United States for the Third Circuit. He joined the Department of Law and Public Safety in 2006, and the Division of Law in 2009.

**DAG Michael Williams** has been with the Division of Criminal Justice's Appellate Bureau since 1988, and currently serves as Deputy Chief. DAG Williams handles appeals in all New Jersey state and federal courts. He has taught seminars on numerous criminal law topics.

**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 hours qualify as hours of credit for ethics/professionalism.

**NY CLE Credit:** 1.0 substantive credit (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** 1.0 substantive credit (\$1.50 mandatory registration fee required).

### **FROM THE COURTROOM TO THE SCREENING ROOM: *What Movies Can Teach Us About Attorney Ethics***

Crime stories have been a staple of the American movie industry. Nothing can be more compelling than a good courtroom scene with attorneys battling for the hearts and minds of their jury panel. Movies such as *Anatomy of a Murder* have been dissected by legal ethicists over the years regarding how the attorney movie characters respond to the ethical challenges they face. This program will be an interactive session where participants will view some classic movie courtroom scenes. Students will be asked to identify the ethical issues that are raised and explain how they would resolve the ethical dilemma that is posed. **(1:00 p.m. to 3:00 p.m.)**

**Acting First Assistant Prosecutor Robert D. Laurino** has been a member of the Essex County Prosecutors Office since 1980. He has served in every administrative position within the Office, from general trial attorney to Acting Essex County Prosecutor. He has completed over 100 jury trials, and handled thousands of cases involving sexual violence. Mr. Laurino has served as a faculty member for the National District Attorneys Association and AEquitas: The Prosecutors' Resource on Violence Against Women, where he has taught trial advocacy courses on matters concerning sexual assault and DNA evidence. He has lectured nationally on sexual violence, forensic evidence, attorney ethics, and the abuse of individuals with disabilities. A *cum laude* graduate of Villanova University, Mr. Laurino received a master's degree from Rutgers University. Mr. Laurino graduated from Seton Hall University School of Law, where he was an editor of *The Law Review*. He is a member of the bars of New Jersey and New York.

**Hilary Brunell, Esq.** graduated with honors from the Maxwell School at Syracuse University and earned her law degree at George Washington University in 1978. Following graduation, she clerked for the Honorable John F. Crane of the New Jersey Appellate Division and then joined the Essex County Prosecutor's Office. In 1983, she became the Deputy Director of the Appellate Section, resigning her full-time position two years later to raise a family. In 1998, she returned full-time to the position of Deputy First Assistant Prosecutor and in 1999, she was named Executive Assistant Prosecutor. As part of the Prosecutor's Executive Staff, Ms. Brunell was responsible for the Continuing Legal Education of a staff of over 140 attorneys. Ms. Brunell was also responsible for the supervision of the Police Legal Advisor and Municipal Prosecutors, and the Appellate, Forfeiture, and Pre-Trial Intervention & Expungement Units. She was the Civil Litigation Liaison for the Office and the Prosecutor's Ethics Officer. Ms. Brunell prepared the first Standard Operating Procedures Manual and the first Criminal Trial Manual for the Essex County Prosecutor's Office. In 1994, she received the Regional Vice-President's Award for excellence in appellate advocacy from the Association of the Government Attorneys for Capital Litigation. She has served as guest faculty for Widener Law School, Seton Hall Law School, the National College of District Attorneys, and the National Advocacy Center in South Carolina. In September 2008, she lectured on Evidence at the New Jersey County Prosecutors College and again in October of 2008 for the NDAA in Mesa, Arizona. Her publications include *Crawford v. Washington*, *The Chronicle* (Essex County Bar Association 2004) and *How Appealing is Your Case: Eight Considerations that May Influence a Decision to Appeal*, *The Appellate Prosecutor* (Prosecution Services, LLC 2005). After retiring on June 30, 2010, from the Prosecutor's Office, Ms. Brunell became of counsel to the firm of Nuzzi and Mason in Dover, New Jersey. She continues to be actively involved in attorney education and regularly lectures at the New Jersey Attorney General's Training Institute and the Essex County Prosecutor's Office.

**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, 2.0 qualify as hours of credit for ethics/professionalism, and 2.0 hours qualify as hours of credit toward certification in criminal trial law.

**NY CLE Credit:** 2.0 ethics credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** 1.5 ethics credits (\$3.00 mandatory registration fee required).

## **ARREST, SEARCH & SEIZURE UPDATE**

This seminar will present a “whirlwind tour” of New Jersey search and seizure law, featuring an easy-to-use analytical template that prosecutors can use to quickly determine whether a stop, frisk, arrest, or search is lawful under both the Fourth Amendment and Article 1, paragraph 7 of the New Jersey Constitution. This fast-paced and interactive presentation will cover recent developments and trends as well as long-settled principles of search and seizure law. **(3:00 p.m. to 4:00 p.m.)**

**AAG Ron Susswein** has served for a combined 29 years as a DAG /AAG in the Division of Criminal Justice and the Union County Prosecutor’s Office. During his career, AAG Susswein helped to draft many of the Attorney General directives and guidelines that are designed to channel a prosecutor’s plea bargaining discretion, including the policies concerning “Brimage,” “Graves Act,” “NERA,” and public corruption cases.

**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 hours qualify as hours of credit towards certification of criminal trial law.

**NY CLE Credit:** 1.0 substantive credit (pursuant to the approved jurisdiction policy).

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