



The Advocacy Institute Is Pleased to Announce Another State House Series Program

PROGRAM ANNOUNCEMENT

COMMUNICATIONS WITH REPRESENTED PERSONS:

R.P.C. 4.2 IN THE CRIMINAL CONTEXT

May 10, 2011

1:30 p.m. to 3:30 p.m.

New Jersey State House

Authorities Unit Conference Room

3rd Floor

125 West State Street

Trenton, New Jersey 08625

Program Summary

Rule of Professional Conduct 4.2 prohibits an attorney from communicating about a matter with a person who the attorney knows, or by the exercise of reasonable diligence should know, is represented by counsel in the matter. This presentation will focus on identifying the issues and legal principles that arise from the application of *RPC* 4.2 to government attorneys, particularly in the context of investigating and prosecuting a criminal matter. Among the issues to be addressed will be: What does *RPC* 4.2 prohibit? How does an attorney evaluate whether a person should be deemed to be represented when they are part of an organization known to be represented? When is there a “matter” as defined in *RPC* 4.2? Are *ex parte* communications with represented persons ever authorized, particularly if the attorney believes that a crime may be ongoing?

Who Should Attend?

While this presentation is primarily intended for Deputy Attorneys General and Assistant Prosecutors handling criminal cases, others may find it of interest.

Who Is the Faculty?

DAG Anthony A. Picione is a Deputy Chief in the Division's Corruption Bureau. Mr. Picione's practice concentrates largely on white collar crime, particularly offenses involving public officials and public funds. Mr. Picione received his J.D. *cum laude* from the University of Pennsylvania Law School in 1995, and received his B.A. *magna cum laude* from Drew University in 1992. Prior to joining the Division in 1999, Mr. Picione was associated with the law firm of Pitney, Hardin, Kipp & Szuch, where his practice concentrated on commercial litigation.

How Do I Register?

This program is intended for those persons invited to participate in the *Statehouse Series* presentations. Registering ensures that you will receive handout material and that there will be ample space for all attendees.

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 2.0 hours of total CLE credit. Of these, 2.0 qualify as hours of credit for ethics/professionalism, and 2.0 qualify as hours of credit toward certification in criminal trial law.

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

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