



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

DIVISION OF LAW IN-SERVICE TRAINING

August 11, 2011

9:00 a.m. to 3:30 p.m.

New Jersey State Police Academy

Sea Girt, New Jersey

Program Summary

The Division of Law will be providing various presentations during this program. The topics and presenters are listed on the following pages. These programs will cover a variety of substantive and ethics topics.

Who Should Attend?

The In-service Training is for Division of Law personnel **only**. The Advocacy Institute has provided, or will provide, certain of these presentations for other government attorneys. ***If you are not a member of the Division of Law, please do not attempt to register for any of these programs.***

Who Is the Faculty?

See attached.

How Do I Register?

You may [REGISTER HERE](#) or online at www.njadvocacyinstitute.com. Registering ensures that you will receive handout material and that there will be ample space for all attendees.

CLE Credit

NJ CLE Credit: These programs have been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for up to 5.2 hours of total CLE credit. Of these, up to 5.2 qualify as hours of credit for ethics/professionalism, and up to 5.2 qualify as hours of credit toward certification in civil trial law.

NY CLE Credit: Up to 5.0 substantive and up to 5.0 ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: Up to 4.0 substantive and up to 4.0 ethics credits (\$1.50 mandatory registration fee required per credit. Also, a separate check is needed for each program you attend).

2011 DOL In-Service CLE Course Offerings

(Courses Listed Alphabetically)

10th & 11th Amendments

This presentation will provide an overview of the immunities afforded state agencies and the State pursuant to the Tenth and Eleventh Amendments to the United States Constitution. The presentation will touch upon the leading Supreme Court of the United States opinions in these areas and also provide practice points for civil motion practice employing these defenses. **(1:40 p.m. - 3:20 p.m.)**

DAG Michael Walters is the Section Chief in Education and Higher Education Section in the Division of Law, which represents the New Jersey Department of Education and the State colleges in litigation in a variety of forums including state and federal trial courts and the Office of Administrative Law. DAG Walters has been involved in various complex litigation matters involving education funding, including issues being addressed in this presentation.

NJ CLE Credit: This program has 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, and 2.0 qualify as hours of credit toward certification in civil 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).

ABCs of Attorney Ethics in New Jersey

This course will provide an overview of attorney ethics in New Jersey from the grievant's filing of a complaint, to the completion of the appeals process. Among the topics discussed will be the ethics review process; who is subject to the process, the offenses for which attorneys can be disciplined, and the respective roles of the Supreme Court, Disciplinary Review Board, Office of Attorney Ethics and District Ethics Committees in the process. **(1:40 p.m. - 2:40 p.m.)**

Christina Blunda Kennedy, Esq. has been a Deputy Ethics Counsel for the Office of Attorney Ethics since May 2006. Upon receiving her law degree in 1988 from Seton Hall University School of Law, Ms. Blunda Kennedy entered private practice. In 1998-1999, she also served on the District VIII (Middlesex County) Fee Arbitration Committee. From 2003-2006, Ms. Blunda Kennedy was a deputy attorney general in Division of Law's Tort Litigation Section.

NJ CLE Credit: This program has 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 credits (pursuant to the approved jurisdiction policy).

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

Anatomy of a Medical Malpractice Case

The presentation will guide attendees through all of the major elements of medical malpractice litigation, from screening and case selection to trial. Evaluation of potential claims, discovery and depositions will be emphasized through the use of real-life cases. Relevant statutes, case law and rules of court will be discussed. **(9:40 a.m. - 11:20 a.m.)**

Peter I. Bergé, Esq. is an associate with the firm of Bendit Weinstock, PA, where he handles medical malpractice, personal injury, and workers' compensation matters. Mr. Bergé is a licensed physician's assistant. A graduate of Seton Hall University Law School, Mr. Bergé also holds a masters degree in public administration from Baruch College, City University of New York, and a bachelor of science degree, with honors, from Hahnemann University School of Allied Health. He has authored various medical and legal publications, and has spoken on a variety of topics in both areas.

NJ CLE Credit: This program has 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, and 2.0 qualify as hours of credit toward certification in civil 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).

Bankruptcy Basics

This presentation will address the basics of bankruptcy practice, from the Debtor's filing of the petition to the final distribution. In particular, this presentation will provide an overview of the code chapters and case filings. Further topics include: claims, automatic stays, discharges and the case process, including the bankruptcy issues government attorneys face in their cases. **(1:40 p.m. - 2:40 p.m.)**

Lead DAG Gregory L. Van Dyck has been with the Division of Law for 19 years, during which time he has handled a variety of collection and bankruptcy related matters on behalf of numerous State agencies. He is currently the Acting Chief of the Debt Recovery Section.

NJ CLE Credit: This program has 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 credit (pursuant to the approved jurisdiction policy).

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

Caring for the Elderly

Caregiving is among the most universal and least understood experiences that we humans have in common. At some time, often when we least expect it, we will be responsible for giving care, for a sustained period, to someone close to us. This seminar touches upon some State programs, statutes and regulations that pertain to this chapter in our lives. Among the topics addressed will be the role

of RNs and CHHAs in at home care and the relationship between MDs and RNs in nursing homes. Also discussed will be parent transfer of assets to children, Medicaid eligibility, and long term care insurance. (1:40 p.m. - 2:40 p.m.)

DAG Kathy Stroh Mendoza was an Appellate Division law clerk before entering private practice. DAG Mendoza has been in various assignments since joining the Division of Law in 1992, and currently is assigned to the Professional Boards Prosecution Section. Besides her extensive legal experience, she has been a White House Fellow, television executive producer, museum curator and journalist.

NJ CLE Credit: This program has 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 credit (pursuant to the approved jurisdiction policy).

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

Discovery and Demonstrative Evidence for the Digitally Dumbfounded

This program was developed at the request of the *Federal Judicial Center* for presentation at Federal Judicial Workshops in an effort to help inform all judges of the effect of the Electronic Revolution on modern litigation. It provides methods and resources for controlling the cost of *e-discovery* and for effective courtroom presentation. By use of discreet movie clips, the program highlights certain problem areas involving *e-discovery* and *e-demonstration* and suggests practical solutions to help lawyers and judges recognize and resolve "digital dangers." (9:40 a.m. to 11:20 a.m.)

Honorable John J. Hughes was appointed a United States Magistrate Judge for the District of New Jersey in 1991. He recently retired from the bench after eighteen years and joined JAMS, *The Resolution Experts*. Judge Hughes was the first judicial advisor to the *Joint Administrative Office of the United States Courts / Department of Justice Working Group on Electronic Technology in the Criminal Justice System*. He also contributed advice to the Federal Judicial Center during the drafting of *Effective Use of Courtroom Technology: A Judge's Guide to Pretrial and Trial*. He authored *One Judge's View on Electronic Information in the Courtroom*, *The Federal Lawyer*, August 2002 at 41, and the opinions in *In re: Bristol Myers Squibb Securities Litigation*, 205 F.R.D. 437 (D.N.J. 2002) and *Fanelli v. Centenary College*, 211 F.R.D. 268 (D.N.J.2002). Since 2000, Judge Hughes has developed four electronic trial advocacy programs: *CPR for Courtroom Lawyers and Judges*, *Discovery and Demonstrative Evidence for the Digitally Dumbfounded*, *Effective Use of Courtroom Technology*, and *CIVILITY: Courtesy and Respect in the Legal Profession*, for presentation at bar associations, government offices, inns of court, law firms, law schools, and other groups.

NJ CLE Credit: This program has 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, and 2.0 qualify as hours of credit toward certification in civil 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).

Ethics in Settlement Negotiations

Attorneys who represent the State are expected to maintain the highest reputation for fair dealing. State attorneys are often confronted with the concurrent obligations of maintaining that reputation and obtaining favorable results for their client agencies. This presentation will identify ethical issues which often arise in settlement negotiations. It will also provide approaches to those issues that fulfill both obligations. Among the issues for discussion will be what information must be revealed in certain situations, such as when a judge or adversary requests your “real bottom line” or “real deadline,” or the extent of your authority, and the circumstances, if any, in which points of agreement reached may be modified or rescinded as the negotiations continue. **(9:40 a.m. - 11:20 a.m.)**

John Covino, Esq. has been a practicing attorney since 1978. From 1980 through 2010, he served in various assignments in the Division of Criminal Justice and the Division of Law, and served as an assistant section chief in the Environmental Permitting and Counseling Section from 1993 through his retirement in 2010. Mr. Covino’s subject areas while with the Attorney General’s Office included radiation protection, water quantity, water quality and waste facility siting. He is a member of the Attorney General’s Advocacy Institute’s faculty, where he has presented on various topics, including negotiations, trial skills, trial preparation, evidentiary issues and legal writing. Mr. Covino is now pursuing a second career in education.

NJ CLE Credit: This program has 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 civil 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).

Ethics Requirements for State Executive Branch Employees

This course will examine ethics requirements for employees of the executive branch of State government, which includes State departments, agencies, authorities, boards, commissions, colleges and universities. The course will cover the Conflicts of Interest Law, *N.J.S.A. 52:13D-12 et seq.*, ethics rules, *N.J.A.C.19:6.1 et seq.*, the Uniform Ethics Code and ethics-related ethics executive orders. The presentation will address the most recent changes to the State executive branch ethics law and focus on specific subject areas most likely to affect executive branch attorneys, including how to comply with the ethics rules regarding gifts, attendance at events, outside activities, secondary employment, conflicts of interest and post employment restrictions. Ethics requirements will be illustrated with case studies from the files of the New Jersey State Ethics Commission as well as recent court cases of special interest. **This session will satisfy the mandatory ethics training requirement for State executive branch employees. (1:40 p.m. - 3:20 p.m.)**

Margaret Cotoia, Esq. is the Ethics Training Officer for the New Jersey State Ethics Commission. Prior to joining the Commission, Margaret worked for the New Jersey Department of Labor and the Public Employment Relations Commission in human resources and labor relations as a trainer, labor mediator, hearing officer and staff attorney. Since she joined the Commission, Margaret has provided ethics training for State employees and Special State Officers at 26 State departments and over 70 authorities, boards and commissions. Margaret has designed instructor led ethics programs,

the mandatory ethics briefing, on-line training programs and ethics educational materials including ethics posters and brochures. She has also trained ethics officers and staff development professionals to provide ethics training at their agencies and provides continuing ethics instruction to Ethics Liaison Officers at the Commission's quarterly educational meetings. Margaret holds a B.S. from Georgetown University in Washington, D.C. and a J.D. from the Penn State University Dickinson School of Law in Carlisle, PA.

NJ CLE Credit: This program has 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.

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).

Legal Foundations of Administrative Practice

This program will provide an overview of basic principles of administrative law, focusing on agency authority and its exercise. Issues to be discussed will include the sources of and limitations on agency authority, formal and informal agency processes, and judicial oversight of agency action and inaction. The presenters will discuss the varying roles of the attorney advising and representing an agency throughout the process. **(9:40 a.m. - 11:20 a.m.)**

Sarah Steindel, Esq. is an Assistant Deputy Rate Counsel. Her work focuses primarily on energy utility ratemaking, energy efficiency and renewable energy. Ms. Steindel has practiced in the area of public utility regulation for 20 years. Before joining the Division of Rate Counsel (formerly the Division of Ratepayer Advocate) in 1997, Ms. Steindel served for six years as a Deputy Attorney General representing the Board of Public Utilities staff. Ms. Steindel is a graduate of Duke University and Duke Law School. Before entering government service, she spent several years in private practice, and taught legal writing at NYU Law School.

Brian Weeks, Esq. is a Deputy Rate Counsel, focusing on electric utility regulation. He has practiced environmental and land use law since 1991. Mr. Weeks started in private practice, representing and counseling corporations in litigation, regulatory compliance and transactions. He served as a Deputy Attorney General from 2000 through 2006, representing and counseling the Department of Environmental Protection. He then worked, as a Deputy Public Advocate through 2009, on reforming eminent domain and redevelopment law. Mr. Weeks started with the Division of Rate Counsel in 2010. He is a graduate of Jersey City State College, Fordham University Graduate School of Social Service and Rutgers - Newark School of Law. Mr. Weeks has spoken and written articles on a variety of legal issues.

NJ CLE Credit: This program has 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).

Responding to Written Discovery in State and Federal Court

Make the discovery process work for you. Responding to discovery does not have to be a painful obligation. Instead it can be a critically useful tool which can form the contours of the case to fit your client's position. Learn the techniques and approaches that will best help you when drafting discovery responses. This presentation will address both state and federal discovery rules concerning written responses to interrogatories, request for admissions and document requests. **(9:40 a.m. - 11:20 a.m.)**

DAG Joseph Micheletti is currently an Assistant Section Chief in the Corrections and State Police Section in the Division of Law. He graduated *cum laude* from Seton Hall School of Law in 1994. Immediately after graduation he served as a judicial law clerk in the New Jersey Superior Court, Appellate Division. DAG Micheletti has litigated for the last fifteen years in both public and private practice. His practice areas include civil rights litigation, employment litigation, tort litigation and corporate litigation.

AAG Christina Glogoff is the Director of the Office of Law Enforcement Professional Standards. Prior to becoming Director, Christina was an Assistant Section Chief in the Corrections and State Police Section in the Division of Law. She is a 1994 *cum laude* graduate of Tulane School of Law. Christina worked in private practice in Dallas, Texas, for five years prior to joining the Division in 1999. She has worked in the Tort Litigation, Judiciary and State Police and Corrections Sections specializing in federal and state civil litigation.

NJ CLE Credit: This program has 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, and 2.0 qualify as hours of credit toward certification in civil trial law.

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

PA CLE Credit: 1.5 substantive credits (\$1.50 mandatory registration fee required).

Sixty Days Before Trial: Using the Trial Notebook as a Preparation Tool

This course will explore the use of the trial notebook as a tool to prepare for trial and to try cases. Among the topics covered will be identifying issues and organizing proofs; the use of jury charges; *in limine* motions; preparing for direct and cross examination; use of expert *voir dire*; anticipating evidentiary issues; the use of "pocket briefs"; and preparing closing statements. **(1:40 p.m. - 3:20 p.m.)**

AAG Kevin Jespersen is an Assistant Attorney General in the Litigation Group of the Division of Law. He is a Certified Trial Attorney and has devoted almost all of his twenty-nine-year career to handling litigated civil matters. AAG Jespersen has tried over 40 cases to verdict in both jury and non-jury cases. His trials have taken place in both state and federal courts in New Jersey, as well as before the Office of Administrative Law.

NJ CLE Credit: This program has 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, and 2.0 qualify as hours of credit toward certification in civil 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).

The Interplay of Coil and the Uniform Ethics Code When Leaving State Employment

This two-hour course will focus on the provisions of the Conflicts of Interest Law and the Uniform Ethics Code in regard to seeking future employment while still in State service and post-employment prohibitions. Included will be a discussion of the "lifetime ban" imposed by *N.J.S.A. 52:13D-17* and its relationship to the Rules of Professional Conduct, in particular, *RPC 1.11* - Successive Government and Private Employment. **(9:40 a.m. to 11:20 a.m.)**

DAG Frank Croce has been with the Office of the Attorney General for twenty-two years, serving most recently in the Legal Affairs and Employee Relations Unit. DAG Croce also serves as the Department of Law & Public Safety's Ethics Liaison Officer.

NJ CLE Credit: This program has 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.

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).

The Open Public Meetings Act in New Jersey (2 Separate Sessions)

This presentation will discuss the history of the Open Public Meetings Act in New Jersey and the key requirements under the current Act. Among the topics addressed are what a public body is, the several types of public notice, when a meeting occurs, the requirements of keeping minutes and making them available, and the nine exceptions that allow a public body to go into executive session, including the exceptions for personnel matters and the attorney client privilege. **(9:40 a.m. - 11:20 a.m. and 1:40 p.m. - 3:20 p.m.)**

AAG John P. Bender has been with the Division of Law for 28 years, serving most recently as AAG in Charge of Administrative Agency Advice, and head of the Administrative Practice Group (Trenton). AAG Bender is Deputy Director of the Division of Law and is also the Division's Ethics Liaison Officer.

NJ CLE Credit: This program has 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).
