



The Advocacy Institute Is Pleased to Present

PROGRAM ANNOUNCEMENT

2016 BASIC CIVIL AND ADMINISTRATIVE PRACTICE

October 5 & 6, 2016

October 5, 2016 - 9:15 a.m. to 4:15 p.m.

October 6, 2016 – 10:00 a.m. to 3:15 p.m.

**Richard J. Hughes Justice Complex
6th Floor Point Meeting Area – Attorney General's Library
25 Market Street
Trenton, New Jersey**

PLEASE READ: NOTICE REGARDING COURSE MATERIALS

All materials for New Jersey Attorney General's Advocacy Institute continuing legal education courses are now available electronically through the Advocacy Institute website: www.njadvocacyinstitute.com. Materials will be posted to the website approximately one week before the course date.

The institute will no longer provide paper copies of course materials. This policy is effective immediately and is within the guidelines of the New Jersey Board of Continuing Legal Education and the Pennsylvania Continuing Legal Education Board. Please follow the procedure below to obtain course materials:

- Click on the Course Information tab.
- Select Course Materials from the drop-down menu.
- Click on the course that you are registered for. Courses are listed alphabetically by title.
- Most courses will have two files; a file containing class materials that you should bring to the session and a file with reference materials such as statutes, regulations and cases.
- Print the documents in the class materials file and bring them with you to the session.
- You have the option of printing the documents in the reference materials file or downloading them to a computer or mobile device.

Program Summary

This intensive two-day presentation is designed for the Division of Law's newly hired Deputy Attorneys General and volunteer attorneys. The first day of this program will address Client Services, Ethics, the Structure of State Government and What it Means to be a Government Attorney, Appellate Practice and Election Law. The second day of the program will address Representing State Agencies, SharePoint Basics and Transactional Issues when Dealing with State Entities

Who Should Attend?

This program is mandatory for Division of Law Deputy Attorneys General hired in 2015 or 2016 that have not previously completed the Basic Civil and Administrative Practice series of courses and is strongly recommended for DOL volunteer attorneys. Other DOL deputies are welcome to attend if space is available. Please do not attempt to register for this program if you are not an attorney in the Division of Law.

Who Is the Faculty?

Please see attached list.

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 8.7 hours of total CLE credit. Of these, up to 1.5 qualifies as hours of credit for ethics/professionalism.

NY CLE Credit: up to 7.0 substantive and up to 1.5 ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: up to 5.0 substantive and up to 1.0 ethics credits (\$1.50 per credit mandatory registration fee required).

How Do I Register?

State Employees

Most State employees are able to register for this course by going to <http://reg2.dcj.lps.state.nj.us/lpcreg/login.aspx?portalid=2> and creating an AGAI Course Registration account. To do so, your computer **must** be attached to the government's Garden State Network. Upon opening the AGAI Course Registration System home page, you will see the Create Account link in the Login Box. Click on it and create your account, which will include you selecting a user name and password. Once you create your account, you can access the AGAI Course Registration System at <http://reg2.dcj.lps.state.nj.us/lpcreg/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.

Non-State Employees or State Employees not Connected to the Garden State Network

If you are not a State employee, or are otherwise unable to access the AGAI Course Registration System through the Garden State Network, kindly email the Advocacy Institute at: AdvocacyInstitute@lps.state.nj.us for an authorization code to allow you access to the AGAI Course Registration System through the My New Jersey portal. **Setting up your account through the portal is a two-step process, the details of which are set forth in the next two paragraphs.**

Once you receive the portal authorization code you will be prompted to go to the My New Jersey portal at <http://www.state.nj.us/> and create a portal account. Once your portal account is created you are prompted to enter your authorization code. This is Step 1 of the process, which you need only do once.

If you have already been issued an authorization code in the past you do not need to request another one. You can log into your account on the Garden State Network at <http://www.state.nj.us> and under the heading NJ L&PS Applications you will see the Attorney General's Advocacy Institute's Registration System. Click on that and log into your account on our system.

Upon setting up your portal account, you need to set up your AGAI Course Registration System account. This is Step 2. To do so, log on to the My New Jersey Portal <http://www.state.nj.us/>. Upon opening the AGAI Course Registration System home page, you will see the Create Account link in the Login Box. Click on it and create your account, which will include you selecting a new user name and password. Once you create your account, you can access the AGAI Course Registration System at <http://reg2.dcj.lps.state.nj.us/lpcreg/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.

LIST OF COURSES AND PRESENTERS

OCTOBER 5, 2016

9:15 a.m. to 9:45 a.m. Registration

9:45 a.m. to 10:00 a.m. Welcome

10:00 a.m. to 11:00 a.m. **CLIENT SERVICES**

Client services are an integral part of the practice of law. To a large degree your success as an attorney is linked to how well you can meet the needs of your client. This program covers your responsibilities in representing clients. It will also address time keeping practices designed to better assist both deputies and their clients.

AAG Michelle L. Miller was appointed Acting Director of the Division of Law effective July 13, 2015. Miller joined the DOL in 1995 as a Deputy Attorney General in the then Education, Health & Human Services Section. She became an Assistant Section Chief of that section in 1999 and in 2003 was appointed Section Chief. While in the Education Section, Miller worked on many notable cases including Abbott v. Burke. Miller remained Section Chief until 2010, when she assumed the post of AAG in Charge of the Administrative Practice Group. In 2014, she was appointed as a Deputy Director of the Division of Law, as such, she continued to have significant involvement in the Administrative Practice Group and focused on the Division's administrative issues including hiring, training and other personnel matters, billing practices, and effective case management.

Prior to joining the DOL, Miller completed an Appellate Division clerkship with the Honorable Ermine Lane Conley. She received her law degree from Seton Hall University School of Law. She holds a Bachelor's Degree in English Language and Literature from Fairleigh Dickinson University where she graduated Summa Cum Laude.

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 credit (pursuant to the approved jurisdiction policy).

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

11:00 a.m. to 11:15 a.m. **BREAK**

11:15 a.m. to 12:30 p.m.

**ETHICS, THE STRUCTURE OF STATE
GOVERNMENT AND WHAT IT MEANS TO BE A
GOVERNMENT LAWYER**

This program will discuss the unique role of the Attorney General under the New Jersey Constitution and the specific duties of a government lawyer under RPCs 1.1, 1.3, 1.4, 1.6, 1.11 and 1.13.

AAG Joseph Fanaroff provides advice to State agencies to ensure compliance with relevant ethics and conflicts of interest rules. Prior to his current assignment, AAG Fanaroff served as a Special Assistant to the Attorney General, providing strategic counsel and advice regarding the implementation of criminal justice policy in New Jersey, with a specific focus on crime suppression, crime prevention, and prisoner reentry. Mr. Fanaroff also served on several commissions charged with examining violence in the State of New Jersey. He was a member of the Study Commission on Violence, served as a member of the Governor's Task Force for Recidivism Reduction, and as staff to the New Jersey SAFE Task Force on Gun Control. He has twice been awarded the Attorney General's Award for Outstanding Service.

AAG Fanaroff began his career in the Department of Law and Public Safety in 2004. He was briefly assigned to the Election Law Section and then served for more than four years as a DAG in the Cost Recovery Section of the Environmental Practice Group. He represented the New Jersey Department of Environmental Protection in spill clean-up and natural resource recovery litigation filed against polluters of soils and groundwater. He also assisted on several complex litigation matters involving the separation of federal and state powers and appeared before the Appellate Division on behalf of the Departments of Environmental Protection, Children and Families, Corrections, and Labor and Workforce Development.

Before moving to New Jersey in 2004, Mr. Fanaroff resided in the Washington, D.C. area where he held positions at The White House and the U.S. Department of Justice. Upon his departure from federal employment, Mr. Fanaroff worked for The METEC Group, a financial services firm in Arlington, Virginia and for a legal services contractor.

Mr. Fanaroff received his Juris Doctorate from the George Washington University Law School and his Bachelor of Science degree, *cum laude*, in Criminal Justice from the University of Delaware.

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 hours of total CLE credit. Of these, 1.5 qualifies as hours of credit for ethics/professionalism.

NY CLE Credit: 1.5 ethics credits (pursuant to the approved jurisdiction policy).

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

12:30 p.m. to 1:30 p.m.

LUNCH

1:30 p.m. to 2:45 p.m.

APPELLATE PRACTICE

This presentation on State appellate practice will provide an overview of the court rules governing civil appeals in the Superior Court of New Jersey, Appellate Division and the Supreme Court of New Jersey, with particular emphasis upon appeals from State agency decisions. It will cover practice points regarding civil motion practice in the appellate courts, emergent and interlocutory appeals, and adjudicative and rulemaking appeals. It will also address the Division of Law's appellate policies and include a survey of key court rules governing our practice before the Appellate Division and the Supreme Court of New Jersey.

Melissa Dutton Schaffer is currently an Assistant Attorney General in the Appeals Practice Group of the Division of Law, which is responsible for the overall management, supervision and policy direction for all State and federal court appeals throughout the Division. Melissa briefly served as Associate General Counsel for The College of New Jersey from August 2013 through January 2015. Prior to that, Melissa was the Section Chief of the Division's Education/Higher Education Section. In this capacity, she oversaw the representation and counseling of the Department of Education, the Secretary of Higher Education, and all of the State Colleges. She represented her clients in a variety of complex education matters in administrative, State and federal court at both the trial and appellate levels. Melissa joined the Division in 2005, following her time as a staff attorney in the public interest sector in Philadelphia, PA. She received her J.D. from Widener University School of Law in 2002 and a B.A. from Rutgers University, Camden in 1998.

AAG 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.

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 1.5 substantive credits (pursuant to the approved jurisdiction policy).

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

2:45 p.m. to 3:00 p.m.

BREAK

3:00 p.m. to 4:15 p.m.

ELECTION DUTY 101 – A PRIMER FOR DEPUTIES

This course is designed to prepare deputies for their Election Day duties. They will learn about the work of their clients (county election officials), the legal and non-legal issues they are likely to encounter, and their roles as both counselor and advocate.

AAG Todd Wigder has represented a wide variety of State agencies over the course of over 30 years as a lawyer with the Attorney General's Office, appearing at every level of the State and federal court systems and arguing 12 cases before the New Jersey Supreme Court. Earlier this year, Todd became responsible for managing all of the legal work that the Attorney General's office provides for the State's Division of Elections and for the Superintendents of Election and Boards of Election in each of the State's 21 counties.

DAG George Cohen has provided legal guidance to a host of State agency clients during his tenure, including years of hands-on experience with New Jersey's election laws. George has skillfully handled a variety of sensitive election law cases, including Gusciora v. McGreevey, which questioned the adequacy of electronic voting machines used in New Jersey, Rutgers University Student Assembly v. Middlesex County Board of Elections, which raised a constitutional attack on the statutory requirement that voters register at least 21 days before an election, and Empower Our Neighborhoods v. Guadagno, a First Amendment challenge to the New Jersey residency and registration requirements for circulators of petitions seeking to nominate candidates for public office.

DAG Alan Stephens has spent most of his career representing the State's Division of Elections, although he has also represented the Department of Labor. He has tackled some of the most complex and unusual election law cases handled by the Department of Law and Public Safety. Al successfully handled In re General Election in Livingston, resulting in a published trial court opinion affirming that county election officials properly rejected mail-in ballots that did not have signed certifications. In another reported opinion, Al deftly managed the high-profile election in In re Contest of Democratic Primary Election, 31st Legislative District, and the claims that the outcome of the election was tainted by violations of the Campaign Contributions and Expenditures Act. Al's considerable experience and expertise led the Attorney General to appoint him as the Acting Director of the Division of Elections in 2002.

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 1.5 substantive credits (pursuant to the approved jurisdiction policy).

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

OCTOBER 6, 2016

10:00 a.m. to 10:30 a.m. Registration

10:30 a.m. to 11:45 a.m. **REPRESENTING STATE AGENCIES**

This presentation will provide an overview of issues related to Upjohn Co. v. United States, 449 U.S. 383 (1981), RPC 1.13 and RPC 4.3. This presentation will also provide an overview of DOL policies governing issuance of litigation holds, acceptance of service and handling and responding to requests for representation.

AAG Michael C. Walters is the Assistant-Attorney General in Charge of Litigation. He was the Section Chief of the Education & Higher Education Section, Division of Law until early September 2012. In this capacity, he supervised the coordination and development of litigation strategy for representation of the New Jersey Department of Education and New Jersey colleges and universities. He was responsible for a variety of complex cases involving federal and state constitutional issues, civil rights, the IDEA, the Rehabilitation Act, the ADA and the NJLAD. AAG Walters was responsible for multiple federal class action lawsuits relating to such issues. He has provided legal analysis on proposed legislation related to Education law and legal advice to the New Jersey Department of Education on a variety of issues including special education and school funding. AAG Walters advised the New Jersey State Board of Examiners on issues related to the insurance and revocation of teaching certificates. He has briefed and argued several cases involving a wide range of issues before the United States District Court for the District of New Jersey, the New Jersey Appellate Division and the Third Circuit Court of Appeals. AAG Walters has also handled numerous *Abbott v. Burke* supplemental funding appeals from the administrative hearing through subsequent appeals. He began his career as a law clerk for The Honorable Myron H. Gottlieb, J.S.C and graduated from Rutgers School Law in 1998.

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 1.5 substantive credits (pursuant to the approved jurisdiction policy).

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

11:45 a.m. to 12:45 p.m. **LUNCH**

12:45 p.m. to 1:45 p.m. **SHAREPOINT BASICS (NON-CLE)**

This course is an introduction to the Division of Law's Document Management System (DMS) in Microsoft SharePoint. Topics include: accessing and searching the DMS with Internet Explorer; using MacroView to find matters, upload documents and edit metadata; saving new Microsoft Office documents directly to SharePoint; the check-in/check-out process and versioning; DMS access from Case Tracking and Outlook.

Greg Chiaramonti has been a computer software instructor with the Office of the Attorney General's IT Department since 2005. He received a Bachelor of Fine Arts in Graphic Design, with a Specialization in Computer Graphics and Animation, in 1994 from The College of New Jersey. After an internship with MTV Networks in New York City, Greg traveled throughout the United States designing and supporting video presentations and interactive kiosks at large corporate events for the financial and pharmaceutical industries. In 1997, Greg became a graphic designer for the in-house creative agency of Bloomberg L.P. in Princeton, NJ, where he art-directed and designed award-winning advertisements, illustrations and presentations to promote Bloomberg's financial data systems, television and other media products.

1:45 p.m. to 2:00 p.m. **BREAK**

2:00 p.m. to 3:15 p.m. **TRANSACTIONAL ISSUES WHEN DEALING WITH STATE ENTITIES**

This presentation will offer the attendees a framework to use when asked to review, draft or revise a contract for the public entity-client or review or draft a memorandum of understanding. This presentation will also discuss the New Jersey Contractual Liability Act, N.J.S.A. 59:13-1, et seq. ("CLA"). The CLA sets requirements and limitations for the assertion of contractual claims against most (but not all) of the State's departments, agencies and authorities. This presentation would be acceptable to attorneys of any experience level, including newer attorneys.

DAG Philip J. Espinosa is a 1988 graduate of Rutgers University (Camden) School of Law, where he served as a staff member and as the managing editor of the Rutgers Law Journal. DAG Espinosa then served as an Appellate Division law clerk for the Honorable Michael Patrick King, P.J.A.D. Following his clerkship, DAG Espinosa served in private practice handling primarily professional negligence defense cases, and then, as an in-house counsel for State Farm Insurance Co. DAG Espinosa joined the Division of Law in 2000. In 2008, he was appointed Assistant Chief of the Transportation, Construction and Condemnation Section. From September 2011 to August 2012, DAG Espinosa served as the Acting Director of Law for the New Jersey Turnpike Authority. In 2013, DAG Espinosa was appointed Chief of the Transportation, Construction and Condemnation Section. DAG Espinosa also serves as the Attorney General's designee on the Supreme Court of New Jersey Civil Practice Committee, serves on the Attorney General's Diversity Council, and coordinates the Division of Law's intern program for the Trenton and Voorhees offices.

AAG Beth Leigh Mitchell has been with the Division of Law since 1998 and the Financial Practice Group handling State contracting matters since 2008. Prior to that she was an Assistant Section Chief in the HHS section, where she handled contract matters, federal litigation and administrative and appellate matters for a variety of State agencies. She received a Bachelor of Fine Arts in Graphic Design in 1990 from Rhode Island School of Design and a Juris Doctor in 1997 from Rutgers University School of Law, Newark, NJ

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 1.5 substantive credits (pursuant to the approved jurisdiction policy).

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

3:15 p.m. to 3:30 p.m.

WRAP-UP