



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

2014 DCA IN-SERVICE

**October 28, 2014
10:00 a.m. to 4:00 p.m.
124 Halsey Street
7th Floor Monmouth Conference Room
Newark, New Jersey**

Program Summary

This is an in-service program intended for members of the Division of Consumer Affairs. The program will include three presentations, which will cover various substantive and ethics topics, the summaries for which are attached to this announcement.

Who Should Attend?

This program is intended for members of the Division of Consumer Affairs, and those Division of Law staff designated as being eligible to attend. Please do not attempt to register for this program if you are not a member of the Division of Consumer Affairs, or have not been otherwise designated as being eligible to attend.

Who Is the Faculty?

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 5.0 hours of total CLE credit. Of these, up to 1.2 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: Up to 3.5 substantive and up to 1.0 ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: Up to 3.0 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://reg.dcj.lps.state.nj.us/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://reg.dcj.lps.state.nj.us/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://reg.dcj.lps.state.nj.us/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

EMAIL ETIQUETTE AND THE RPC'S

What you (and your client) should consider before hitting "send" or more importantly "reply all." Is that e-mail privileged? Will my adversary see it? Will the public see it? Does the recipient understand that simply forwarding the e-mail could waive the privilege not only for this e-mail, but for the entire chain? Learn about what should or should not be in an e-mail, and the RPC implications of this indispensable tool. **(10:00 a.m. to 11:00 a.m.)**

Brian Lipman is the Litigation Manager for the New Jersey Division of Rate Counsel. The Division of Rate Counsel represents the interests of ratepayers in hearings where a public utility seeks a rate increase. The Division also participates in other state and federal utility matters to protect the interests of New Jersey ratepayers. Prior to joining the Division, Mr. Lipman was a Deputy Attorney General in the Division of Law. He last served as the Assistant Section Chief for the Board of Public Utilities Section which is involved in a variety of federal energy matters before the Federal Energy Regulatory Commission and the U.S. District Court. Mr. Lipman also advised the Board on matters pending before the Board. Before rejoining the BPU section, Mr. Lipman served as a DAG in the Affirmative Litigation and Civil Rights Section. In the Affirmative Litigation Section, Mr. Lipman worked on mortgage fraud matters as well as other cases for a number of administrative agencies, including the Election Law Enforcement Commission. In the Civil Rights Section, Mr. Lipman served as legal counsel to the Division on Civil Rights and prosecuted cases on behalf of the Division. Before joining the Division of Law in 2003, Mr. Lipman represented private employers in employment litigation matters as an associate with the firm of Carpenter, Bennett & Morrissey from 2001 to 2003 and an associate with the firm Genova, Burns & Vernoia from 1997 to 2001. Mr. Lipman also represented federal employees in employment litigation as an associate at the firm of Schnieder, Frieberger & Kastner in 1997. He clerked at the Monmouth County Prosecutor's Office. Mr. Lipman graduated from Rutgers School of Law-Camden, with honors in 1995, winning the Arthur T. Vanderbilt award for Legal History and from The American University with a B.S. in political science in 1992. He was a pupil in the Sidney Rietman Inns of Court in 2000-01.

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.

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

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

THE BUDGET CYCLE

A presentation of the State's budget cycle from the creation of the Governor's Annual Budget Message to the enactment by the Legislature of the Annual Appropriations Act. Topics include: the significance of the budget to the conduct of State government; the history of the constitutional provisions governing the State's fiscal structure; the key players in the process; the four requirements of the constitutional mandate; what happens if an annual appropriations act is

not enacted by the beginning of the fiscal year; recent case law involving challenges to budgetary actions; and the current fiscal challenges and problems facing the State. **(11:15 a.m. to 12:45 p.m.)**

AAG Susan K. Fischer has thirty years of experience as a transactional attorney practicing in governmental, banking and private practice settings. She has been an attorney in the Division of Law since 1994. She began as a deputy in the Treasury Section, became Section Chief of the Treasury Section in 2000, an Assistant Attorney General in the Financial Affairs Practice Group in 2008 and then in Charge of the Financial Affairs Practice Group in October 2010. AAG Fischer began her legal career as a public finance attorney at Riker Danzig Scherer Hyland and Perretti, and then joined Orloff Lowenback Stifelman and Siegel as an associate in their corporate department. From there, AAG Fischer was counsel in the secured lending division at First Fidelity Bancorporation, Senior Counsel at the Office of Thrift Supervision in the U.S. Department of the Treasury, and senior counsel at United Jersey Bank. AAG Fischer received her B.A. cum laude with a major in government from Barnard College, New York City, and her J.D. with honors from Rutgers Law School, Newark, New Jersey. Currently, AAG Fischer's primary focus is providing advice to the State Treasurer, the Governor's Office and various independent authorities concerning State budget and debt issues.

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.8 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: 1.5 substantive credits (\$3.00 mandatory registration fee required).

WHAT EVERY DEPUTY SHOULD KNOW ABOUT ADMINISTRATIVE RULEMAKING

This presentation will offer an overview of the administrative rulemaking process, highlighting the interplay that occurs between the agency, the Office of Administrative Law and the Division of Law. It will focus on how an administrative rule is promulgated and the role of a Deputy throughout that process, including tips on how to defend a rule at the appellate level. **(2:00 p.m. to 4:00 p.m.)**

SDAG Nancy Costello Miller is assigned to the Division of Law's Consumer Affairs Counseling Section. She graduated with honors from Caldwell College, Caldwell, New Jersey, and from Seton Hall Law School where she served as Editor-in-Chief of the Law Review. After clerking for the Honorable David D. Furman in the Appellate Division, Nancy joined the Division of Law. She has represented several state agencies over the years, and currently focuses on professional boards' licensing and disciplinary matters, regulatory initiatives, and appellate matters.

Melissa Dutton Schaffer is currently the Associate General Counsel for The College of New Jersey. Prior to her current position, she was Section Chief of the Education/Higher Education Section in the Division of Law. In this capacity, among other things, she supervised the deputy attorneys general and attorney assistant within the assignment and oversaw all counseling and representation of the nine State Colleges, the Secretary of Higher Education, the Department of

Education and additional State agencies involved in matters of education. She represented her clients in a variety of complex education matters in administrative, state and federal court at both the trial and appellate levels. Prior to joining the New Jersey Attorney General's Office in 2005, Melissa practiced family law as a staff attorney with the Women Against Abuse Legal Center in Philadelphia, PA. She received her J.D. from Widener University School of Law in 2002 and a B.A. in English from Rutgers University, Camden 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 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).