



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

C L EXTRAVAGANZA

**November 17, 2011
9:00 a.m. to 5:00 p.m.
New Jersey Law Center
One Constitution Square
New Brunswick, NJ 08901**

Program Summary

The end of calendar year is fast approaching, and time is running out on opportunities to satisfy your Continuing Legal Education obligations. This program is intended to provide attorneys with an excellent opportunity to obtain up to 8.0 Continuing Legal Education credits for attending four presentations, two of which will cover substantive legal issues while the other two presentations will address ethics issues. The morning session will focus on civil law focus, while the afternoon session will have a criminal law focus. Those interested in attending this program may seek to register for one, two, three, or all four presentations, the descriptive summaries of which are attached.

Who Should Attend?

This program is intended for all government attorneys, space allowing.

Who Is the Faculty?

See attached.

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 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 8.0** hours of total CLE credit. Of these, **up to 4.0** qualify as hours of credit for ethics/professionalism, and certain of which are eligible for civil trial law, criminal trial law and/or worker's compensation law.

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

PA CLE Credit: **Up to 3.0** substantive credits and **up to 3.0** ethics (\$1.50 mandatory registration fee required per credit).

COURSE DESCRIPTIONS & FACULTY INFORMATION

DEPOSING CORPORATE REPRESENTATIVES TO HELP SATISFY THE “REPTILIAN BRAIN”

As set forth by Don Keenan and David Ball in their recent book, *Reptile*, the plaintiff wins if jurors believe that the kind of thing the defendant has done in a particular case is an immediate threat to the jurors and their children. See how the “reptilian brain” that has kept our ancestors alive for millions of years – with hundreds of times more connections to the rest of the brain than any other structure – is very powerful in our decision-making, yet resides in our unconscious. This presentation will focus on those skills and techniques necessary to effectively depose a corporate representative to gain the knowledge you need to help jurors do the right thing, and help you win. **(9:00 a.m. to 10:40 a.m.)**

Christopher M. Placitella, Esq. is a *cum laude* graduate of Syracuse College of Law where he was a member of the Law Review. Mr. Placitella is a partner in the law firm of Cohen, Placitella & Roth, P.C. He is chairman of the firm's Toxic and Mass Torts Litigation department. Mr. Placitella concentrates his practice on product liability litigation, representing unions and their members in occupational injury and disease cases. In addition, he represents individuals injured by defective products, defective drugs, as well as through the inhalation or ingestion of toxic substances. Mr. Placitella also advises numerous labor unions and consumer organizations concerning issues relating to occupational safety and health. Moreover, he represents individuals, governmental entities and companies seeking to recover for economic loss or property damage sustained as a result of wrongful conduct of others. Among his more notable cases, Mr. Placitella served as part of the attorney team representing the State of New Jersey against the tobacco industry and helped achieve the largest settlement of any kind in the history of New Jersey totaling \$7.6 billion dollars. Mr. Placitella is a past President of the New Jersey Trial Lawyers (ATLA-NJ), and is a member of various professional organizations.

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, 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)

ETHICAL ISSUES AND CONSIDERATIONS IN PREPARING EFFECTIVE OPENING STATEMENTS AND CLOSING ARGUMENTS IN CIVIL TRIALS

This presentation will focus on the ethical issues in crafting and delivering effective opening statements and summations in civil trials, including techniques for enhancing the persuasive power of the presentations, strategic issues that should be considered, as well as the legal and ethical pitfalls that should be avoided. **(10:50 a.m. to 12:30 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.

DAG Jim Harris has served as a Deputy Attorney General in the New Jersey Department of Law and Public Safety for more than 25 years. During that time, he has worked in criminal justice, juvenile justice, and civil law. DAG Harris is currently Chief of the DYFS South section. In the past, he has litigated cases for clients that include the State Police, the New Jersey Judiciary, the Department of Corrections, the Division of Youth and Family Services and the Bureau of Parole. He has had numerous jury and non-jury trials involving civil rights, employment discrimination, whistle blowers, child abuse and parental termination. He has successfully argued numerous cases before the New Jersey Supreme Court and the Third Circuit Court of Appeals. He is a graduate of Rutgers University of Law, Camden, where he was Managing Editor of the Law Journal. DAG Harris also has an LL.M from Columbia School of Law in New York City.

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 civil trial law and workers compensation law.

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

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

TRIAL ETHICS

This program will cover the ethical issues that arise in the course of Discovery, Openings, Cross-Examination, and Summation in criminal cases. Recent published and unpublished cases will serve as fact patterns to illustrate the principles discussed. **(1:30 p.m. to 3:10 p.m.)**

Hilary Brunell 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 Newark, New Jersey. 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. She 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 of 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.

Howard D. Zuckerman, is the Deputy Chief Assistant Prosecutor over the Trials Unit in Essex County. He earned his B.A. from Ramapo College and his J.D. from Franklin Pierce Law Center in Concord, New Hampshire. He was a Law School Teaching Assistant in Property Law and Legal Writing and interned with the Chief Justice of New Hampshire. Howard served as Law Clerk in 1976-1977 for Superior Court Judge Herbert Susser (Passaic County). During the next 12 years, Howard worked in Dover, NJ as a Staff Attorney for the Legal Aid Society of Morris County, as a Litigation Associate in Wayne, NJ for Feldman, Feldman, Hoffman & Fiorello and in Private Practice with a concentration in Criminal, Civil and Matrimonial Litigation. In 1989, Howard joined the Essex County Prosecutor's Office under Prosecutor Tate. Over the ensuing 20 years he handled increasingly more complex criminal cases in the Adult Trial Section, Child Abuse, Gun Strategy/Career Criminal Squad and Homicide. Most recently, Howard returned to his first love - the Adult Trial Section to join two vertical courts as Trial Court Supervisor.

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

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

“The Whirlwind Tour: Practically Everything a New Jersey Prosecutor Really Needs to Know About the Law of Search and Seizure, in An Hour or Two”

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. **(3:20 p.m. to 5:00 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.

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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)