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*The Advocacy Institute Is Pleased to Announce*

## **PROGRAM ANNOUNCEMENT**

### **2012 CRIMINAL ETHICS FEST**

**December 6, 2012  
10:00 a.m. to 4:00 p.m.  
NJ Forensic Science & Technology Center  
1200 Negron Drive  
Hamilton, New Jersey**

#### *Program Summary*

This program is intended to provide attorneys with an excellent opportunity to obtain up to five Continuing Legal Education ethics/professionalism credits for attending three presentations. Those interested in attending this program may seek to register for one, two or all three presentations, the descriptive summaries of which are attached.

#### *Who Should Attend?*

This program is intended for attorneys handling criminal matters, but others may find one or more of the presentations of interest.

#### *Who Is the Faculty?*

*See Attached.*

#### *CLE Credit*

**NJ CLE Credit:** This program has 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 5.0 qualify as hours of credit for ethics/professionalism.

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

**PA CLE Credit:** Up to 3.5 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](mailto: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. This is Step 1 of the process, which you need only do once.

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.

## **COURSE DESCRIPTIONS & FACULTY INFORMATION**

### **HOW TO ETHICALLY PROSECUTE A CRIMINAL CASE AND AVOID REVERSIBLE ERROR**

This seminar will focus on the ethical issues and concerns faced by a prosecutor in handling a criminal case. Topics include the duty to present exculpatory evidence to the grand jury, discovery and *Brady* obligations, appropriate areas for cross-examination, and how to avoid reversible error in opening statements and summations. **(10:10 a.m. to 12:00 p.m.)**

**AAG Carol Henderson** is Deputy Chief of the Appellate Bureau in the Division of Criminal Justice and has extensive experience litigating cases before the New Jersey Supreme Court, the Appellate Division, the United States District Court and the Third Circuit Court of Appeals. She has lectured and written articles on appellate practice, habeas litigation, sentencing, legal writing and prosecutor misconduct.

**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).

### **COMMUNICATIONS WITH REPRESENTED PERSONS: R.P.C. 4.2 IN THE CRIMINAL CONTEXT**

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 seminar will focus on identifying the issues and legal principles that arise from the application of R.P.C. 4.2 by government attorneys, particularly in the context of investigating and prosecuting a criminal matter. Among the issues to be addressed will be: What does R.P.C. 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 R.P.C. 4.2? Are *ex parte* communications with represented persons ever authorized, particularly if the attorney believes that a crime may be ongoing? **(1:00 p.m. to 2:15 p.m.)**

**Anthony A. Picione** is a Deputy Attorney General with the Division of Criminal Justice and 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.

**NJ CLE Credit:** This program has 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 qualify 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 credits (\$1.50 mandatory registration fee required).

### **ETHICS OF PLEA NEGOTIATIONS**

This presentation will discuss ethical issues that can arise in connection with the plea bargaining process, and will also discuss some practical matters concerning the disposition of Graves Act and school zone cases. **(2:30 p.m. to 3:45 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.

**NJ CLE Credit:** This program has 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 qualify 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 credits (\$1.50 mandatory registration fee required).