



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

DCA IN-SERVICE

**December 18, 2012
9:00 a.m. to 3:15 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.

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 6.0** hours of total CLE credit. Of these, **up to 2.0** qualify as hours of credit for ethics/professionalism, and **up to 6.0** qualify as hours of credit toward certification in civil trial law.

NY CLE Credit: **Up to 4.0** substantive credits and **up to 2.0** ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: **Up to 3.0** substantive credits and **up to 1.5** 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 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 AND FACULTY INFORMATION

OPEN PUBLIC MEETINGS ACT

This presentation discusses 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. **(9:10 a.m. to 10:50 a.m.)**

AAG John P. Bender has been with the Division of Law for 30 years, serving most recently as Deputy Director, AAG in Charge of Administrative Agency Advice, and head of the Administrative Practice Group (Trenton). He counsels state agencies on OPMA questions and, along with AAG Fischer, budget/appropriations questions. AAG Bender has also represented the Domestic Security Task Force, the Office of Homeland Security and Preparedness and heads the Division of Law On-Call Program.

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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).

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. **(11:00 a.m. to 12:40 p.m.)**

John Covino, Esq. was a deputy attorney general from 1980 to 2010 and served in various assignments in the Division of Law and the Division of Criminal Justice. He was an assistant section chief in the Division of Law, Environmental Permitting and Counseling Section from 1993 until his retirement in 2010. He has been a practicing attorney since 1978. 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.

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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).

REPRESENTING STATE AGENCIES

This presentation focuses on the common practical, ethical and counseling issues that are unique to Deputies who represent State Agencies. Topics addressed will include client counseling fundamentals, who is the client, government and professional ethics, outside counsel, and open public meetings and records. This presentation will also benefit attendees as they will be invited to share their own experiences with their colleagues in order to build on the institutional knowledge within their own practice group. **(1:30 p.m. to 3:10 p.m.)**

Caroline Jones is a Deputy Attorney General assigned to the Education/Higher Education section at the New Jersey Attorney General's Office, Division of Law. She is a 2010 graduate of the Widener University School of Law in Wilmington, Delaware. Caroline's practice area focuses primarily on representation and counseling of the New Jersey Department of Education, its boards and divisions. Caroline handles administrative matters, litigation, and appeals in Superior Court, the Office of Administrative Law and United States District Court.

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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).