



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

ADMINISTRATIVE RULEMAKING SYMPOSIUM

March 7, 2013

10:00 a.m. to 1:00 p.m.

NJ Forensic Science & Technology Center

1200 Negron Drive

Hamilton, New Jersey

Program Summary

This presentation will discuss the general process of how an administrative rule is promulgated. This presentation will focus on the mechanics of what goes into deciding when a rule is necessary; how an agency goes about drafting regulations; the different stages of rulemaking at the OAL level, i.e., proposal and adoption; and the role of a DAG throughout that process, including defending a rule at the appellate level. This presentation will also highlight the interplay that occurs throughout that process between the agency, the OAL and the DOL.

Who Should Attend?

While this program is intended for those attorneys who deal with the rulemaking process, others may find the issues discussed of interest.

Who Is the Faculty?

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.

DAG Melissa Dutton Schaffer is an Assistant Section Chief of the Higher Education, EHE Section in the Division of Law. In this capacity, among other things, she manages the Higher Education assignment, supervises the deputy attorneys general and attorney assistants in this assignment and collaborates and consults with the Governor's office on education and higher

education matters. In her capacity as a deputy attorney general, she manages, represents and advises nine New Jersey State Colleges, the Office of the Secretary of Higher Education, the Higher Education Student Assistance Authority and the Department of Education, she represents the Dept. of Education in administrative, state and federal forums at both the trial and appellate levels and counsels the Dept. of Education. Ms. Schaffer started her career with the Division of Law in 2005 in the EHE Section. Prior to becoming a Deputy Attorney General with the Division of Law, she was a staff attorney at 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.

Janis E. Hoagland is the Director of the Office of Legal Affairs for the New Jersey Department of Environmental Protection. In this capacity, she manages the office responsible for DEP's various administrative law processes and obligations, and is the liaison to the New Jersey Attorney General's office and the New Jersey Office of Administrative Law regarding rulemaking and administrative hearings. She reviews all DEP rulemakings before submittal to commissioner for signature, and is also responsible for the detailed review of rules in several complex areas of environmental regulation including freshwater wetlands, coastal zone management, flood hazard area management, Highlands Act permitting, safe drinking water and water supply, and hazardous site clean-up. Janis has been with the DEP in the Office of Legal Affairs since 1993, and before that clerked in the Office of Administrative Law. Prior to law school Janis had a decade-long career in publishing, as an editor of medical, science, and scholarly journals and books. She graduated magna cum laude from Allegheny College with a Bachelor of Science in Biology and earned her J.D., cum laude, from Temple University School of Law.

Mark J. Stanton is currently Manager of the Division of Administrative Rules in the Office of Administrative Law. In this capacity, he manages the operation of a seven-person Division charged with the intake, review, editing and processing of State agency rulemaking and other notices for publication in the New Jersey Register, proofing and editing of printed Register notices and updates to the New Jersey Administrative Code, and creation and maintenance of Register and Code archival material. He also manages the State contract for Register and Code publication, sale and distribution; drafted Requests for Proposals and oversaw the bid evaluation process for 2004 and 2012 successor contracts; managed implementation of successor contracts; and serves as a public resource for information and research on State rules, as well as information and training on the State rulemaking process. He has been with the Office of Administrative Law in one capacity or another since 1986. He received a B.A. in Anthropology from Dartmouth College and J.D. from Washington and Lee University.

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 3.0 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 3.0 substantive credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 2.5 substantive credits (\$4.50 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.