



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

DIVISION OF LAW: IN-SERVICE TRAINING

**August 8, 2013
8:30 a.m. to 3:30 p.m.
Monmouth University
400 Cedar Avenue
Pollack Theater
West Long Branch, NJ 07764-1898**

Program Summary

The Division of Law will be providing various presentations during this program. The topics and presenters are listed on the following pages. These programs will cover a variety of substantive and ethics topics.

Who Should Attend?

The In-service Training is for Division of Law personnel **only**. The Advocacy Institute has provided, or will provide, certain of these presentations for other government attorneys. ***If you are not a member of the Division of Law, please do not attempt to register for any of these programs.***

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 4.0 hours of total CLE credit. Of these, up to 4.0 qualify as hours of credit for ethics/professionalism and up to 4.0 qualify for hours of credit toward certification in civil trial law.

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

PA CLE Credit: Up to 3.0 substantive and/or up to 3.0 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. 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.

LIST OF COURSES AND PRESENTERS

(Courses listed alphabetically)

BANKRUPTCY BASICS

This presentation will address the basics of bankruptcy practice, from the Debtor's filing of the petition to the final distribution. In particular, this presentation will provide an overview of the code chapters and case filings. Further topics include: claims, automatic stays, discharges and the case process, including the bankruptcy issues government attorneys face in their cases. **(1:40 p.m. to 3:20 p.m.)**

Gregory Van Dyck is the Lead Deputy Attorney General in the newly created Taxation, Bankruptcy and Debt Recovery Section of the New Jersey Office of The Attorney General, Division of Law, located in Trenton, New Jersey. He has specialized in the areas of debt recovery and bankruptcy for over 21 years. Working with a staff of 28, including attorneys, investigators, paralegals, and secretarial support, his section averages over \$15 million dollars per year in recoveries. In addition to his daily work, he has engaged as a presenter with the National Attorneys General Training & Research Institute, the New Jersey Attorney General's Advocacy Institute, and at the Division of Law's In-Service Training, for debt recovery and bankruptcy basics programs.

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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).

BIOGRAPHY OF JOHN J. HUGHES AND THE NJ JUSTICE SYSTEM

The presentation will focus on the role of the governors of New Jersey with the Justices of the New Jersey Supreme Court with special emphasis on the creation of the modern New Jersey Supreme Court in the 1947 Constitution and the issues concerning Judicial Independence. The presentation will also focus on the power that Mayor Hague had over the Courts through his control over many governors and the very different approach of Governors Driscoll and Hughes. John B. Wefing, the Distinguished Professor of New Jersey Law & History, has recently authored a biography of Richard J. Hughes, the only person to serve as both Governor and Chief Justice of New Jersey. The book was chosen as a 2010 Honor Book by the New Jersey Council for the Humanities. In April of 2011, the Governor of New Jersey appointed Professor Wefing to the Governor's Council on Higher Education. Professor Wefing specializes in federal and state constitutional law with particular emphasis on criminal issues. **(9:40 a.m. to 11:20 a.m.)**

John B. Wefing has been a Professor of Law at Seton Hall University School of Law for the past 44 years. He has taught numerous courses including courses dealing with the New Jersey Constitution and the New Jersey Court System. He has written many law review articles. During his tenure at Seton Hall he has served as associate dean and acting dean. He has received many awards including the Young Lawyer of the Year from the New Jersey State Bar Association, the McQuade Medal presented for outstanding contributions to Seton Hall University and the Thomas More Medal for his devotion to the law and the Catholic Church. He was twice selected as “Professor of the Year” by the student body. In 2012, he was selected "Teacher of the Year" by the New Jersey Academic Studies Alliance. Professor Wefing has been appointed by governors of New Jersey to state commissions. He was inducted into the Hall of Fame of Mount Saint Dominic Academy for his work on its board. He is “of counsel” to the firm of Waters McPherson McNeill in Secaucus, N.J. He is a graduate of St. Peter’s Prep and College and received his law degree from Catholic University. He holds a masters degree in law from New York University. He is married to the Honorable Dorothea O’C Wefing, who recently retired from her position, Presiding Judge for Administration of the Appellate Division, temporarily assigned to the New Jersey Supreme Court. They have three children, John, Paul and Dorry.

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PA CLE Credit: 1.5 substantive credits (\$3.00 mandatory registration fee required).

CONSUMER PRIVACY

Consumer privacy and data security are growing issues that affect our everyday lives: from the websites we visit online, to the apps we use to play games on our phones, to the customer loyalty card forms we fill out at the grocery store. This course will begin with the basic statutory framework that State enforcers rely on to protect the privacy and data security of consumers. We will then discuss specific cases and situations where State and Federal enforcers have applied privacy and data security laws. Finally, we will look at mobile applications that we use on an everyday basis to examine the types of information our apps are collecting about us and where that information is going. **(1:40 p.m. to 2:40 p.m.)**

Jah-Juin “Jared” Ho is a Deputy Attorney General with the Consumer Fraud Prosecution Section in the Affirmative Civil Enforcement practice group. Jared represents the Division of Consumer Affairs on privacy and data security matters. Last year, Jared brought the first action by any State Attorneys’ General Office against a mobile application developer for violations of the Children’s Online Privacy Protection Act. In addition to his duties as Deputy Attorney General, Jared is a visiting fellow at Princeton University’s Center for Information Technology Policy. As a fellow Jared researches legal issues on privacy and data security.

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

DRONES – NOT JUST FOR MILITARY USE

Description to be provided at a later date. (9:40 a.m. to 10:40 a.m.)

Grayson Barber is an attorney and privacy advocate in Princeton, New Jersey. She serves on the board of the Electronic Privacy Information Center and advises the Intellectual Freedom subcommittee of the New Jersey Library Association. Grayson is the immediate past chair of the Individual Rights Section of the New Jersey State Bar Association. She served on the New Jersey Privacy Study Commission and the state Supreme Court Special Committee on Public Access to Court Records. She worked for the ACLU as a cooperating attorney and served on the board of directors for the national ACLU as well as the state affiliate. As a preceptor at Princeton University, Grayson contributed to courses on discrimination and the law. A graduate of Rutgers Law School in Newark, Grayson clerked for the Honorable Robert E. Cowen, U.S. Court of Appeals for the Third Circuit.

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ELECTION DUTY TRAINING

Learn about the upcoming elections and what to expect as a deputy assigned to represent a county Board of Elections or Superintendent of Elections. **(1:40 p.m. to 3:20 p.m.)**

Donna Kelly is an Assistant Attorney General with the Division of Law in Charge of Elections. She is a graduate of Rutgers College and Seton Hall Law School. She has been handling election matters for the State since 1982. She is also an Adjunct Professor at the Center for Government Services, Rutgers University, and the author of several articles regarding election law and procedures.

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PA CLE Credit: 1.5 substantive credits (\$3.00 mandatory registration fee required).

E-MAIL ETIQUETTE AND THE RPCS

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. **(1:40 p.m. to 2:40 p.m.)**

Brian Lipman is 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 advises 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.

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ETHICS REQUIREMENTS FOR EXECUTIVE BRANCH EMPLOYEES

This course will examine ethics requirements for employees of the executive branch of State government. The course will cover the Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., ethics rules, N.J.A.C.19:6.1 et seq., the Uniform Ethics Code and ethics-related executive orders. The presentation will address specific ethics subject areas, including restrictions on acceptance of gifts, statutory provisions limiting reimbursement for out-of-state travel, requirements for documenting business meals, interaction with lobbyists and advocates, attendance at events

related to State duties and precautions regarding political activity. The presentation will also address the code of conduct governing ethics for the Governor and Lieutenant Governor. Ethics requirements will be illustrated with case studies drawn from the files of the New Jersey State Ethics Commission that address common ethics dilemmas faced by State employees. **This session will satisfy the mandatory ethics training requirement for State Executive Branch employees. (1:40 p.m. to 3:20 p.m.)**

Peter J. Tober is the Executive Director of the State Ethics Commission. He previously served as Special Counsel and Ethics Counsel to Governor Chris Christie. Mr. Tober also was the Senior Assistant Counsel to Governors Christine Todd Whitman and Donald T. DiFrancesco, acting as the Ethics Liaison Officer for all three Governors. From 2002 to 2009, Mr. Tober was the Vice Chair and member of the Election Law Enforcement Commission. In private practice, he was affiliated with the law firms of Shain Schaffer and Rafanello and Wilentz, Goldman and Spitzer - specializing in municipal law, land use law and commercial litigation. Mr. Tober received his undergraduate degree from Cornell University, majoring in Government and in Economics, and his law degree from the Hofstra University School of Law, where he was Associate Editor of the Hofstra Law Review.

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

EVIDENCE RULES YOU NEED TO KNOW

Trial work requires knowledge of the NJ Rules of Evidence, the application of the rules and interplay with the Rules of Court. Learn how to enhance your trial skills with the evidence rules you need to know for your next civil trial. **(1:40 p.m. to 3:20 p.m.)**

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.

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HOT TOPICS IN LEGAL ETHICS FOR HEALTH CARE ATTORNEYS

This program will explore the distinct but overlapping demands of ethics, morality, and the law as well as some of the key responsibilities of lawyers involved in the health law arena. Attorney advice generally is thought of as immune from discovery. But some protection has eroded in recent years. While communications between a corporate client and outside litigation counsel are cloaked with a presumption of privilege, communications between in-house counsel and corporate clients are not. In addition, some courts have applied the crime-fraud exception to the attorney-client privilege rather broadly. The government's increased reliance on the responsible corporate officer doctrine in enforcement prosecutions also challenges attorneys to maintain their duty of loyalty to their clients when they could face criminal charges for their client's wrongdoing. The session also will explore how the ethical rules apply in emerging practice and care delivery contexts. Corresponding with expert witnesses using cloud computing and smart phones, collaborating with doctors and other professionals in medical-legal partnerships, medical homes, and accountable care organizations, and accepting expert credentials in LinkedIn, for example, all implicate the ethical rules that govern health care attorneys. **(1:40 p.m. to 2:40 p.m.)**

Tara Adams Ragone joined the Center for Health & Pharmaceutical Law & Policy at Seton Hall University School of Law as a Research Fellow and Lecturer in Law in 2011. Her research and writing for the Center focus on implementation of health care reform, accountable care organizations, health care access, prescription drug abuse, and issues related to the representation of health care professionals. Ms. Ragone also developed and teaches a health law skills course that explores substantive law and skills specific to three common health law practice settings. She also advises the health law moot court team and regularly contributes to Seton Hall Law's Health Reform Watch blog. Ms. Ragone came to Seton Hall Law from the State of New Jersey, Office of the Attorney General, Division of Law, where she served as Deputy Attorney General in the Professional Boards Prosecution Section. She primarily prosecuted licensing actions before the State Board of Medical Examiners and the Office of Administrative Law and represented the State in federal civil rights actions brought by licensees. Ms. Ragone also twice appeared before the Supreme Court of New Jersey in a case of first impression involving a commercial speech challenge to the Court's Rule of Professional Conduct governing attorney firm names. Ms. Ragone received her B.A. in Government and Philosophy, summa cum laude, from the College of William and Mary, where she was a member of Phi Beta Kappa. After college, she worked on a variety of domestic policy issues, including campaign finance reform, as a research assistant and verifier at the Brookings Institution in Washington, D.C. Ms. Ragone graduated magna cum laude from New York University School of Law in 2001, where she was a Root-Tilden-Kern Public Service Scholar, was elected to the Order of the Coif, and served as Senior Articles Editor for the New York University Annual Survey of American Law. At graduation, she received the Vanderbilt Medal and the Samuel A. Levy Memorial Award. Before joining the New Jersey Attorney General's Office, Ms. Ragone served as a law clerk to the Honorable Allyn R. Ross of the U.S. District Court for the Eastern District of New York and the Honorable Robert A. Katzmann of the U.S. Court of Appeals for the Second Circuit.

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HOW TO BE PROFESSIONAL WHEN DEALING WITH YOUR ADVERSARY

The demands of litigation are seemingly never ending. Despite the pressures of these demands attorneys are both ethically and professionally obligated to treat other members of the Bar with whom they deal with courtesy and respect. This presentation will focus on what is expected of attorneys in terms of civility when dealing with their peers and will discuss strategies for doing so in those difficult situations where an adversary may not be acting in a confrontational or inappropriate manner. **(9:40 a.m. to 11:20 a.m.)**

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.

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

JURLY SELECTION AND ETHICAL CONSIDERATIONS

Learn the nuts and bolts how to pick a jury in civil cases in State court. Review the applicable court rules, case law and ethical considerations of investigating a potential juror's background. **(9:40 a.m. to 10:40 a.m.)**

Debra Marcus received her B.S. from Boston University, College of Communication, in 1985. She received her J.D. from Benjamin N. Cardozo School of Law in 1988, where she served on the Moot Court Board and was a Legal Writing Teaching Assistant. Ms. Marcus is admitted to

practice in New Jersey and the United States District Courts for the District of New Jersey. She is a member of the New Jersey State Bar Association and the Union County Bar Association and is a graduate of the Richard J. Hughes Inn of Court. Ms. Marcus has had significant litigation and trial experience in insurance defense. Her practice currently has an emphasis in representing dental professionals in the defense of malpractice claims and investigations before the State Board of Dentistry. In the beginning of her career practicing law in New Jersey, Ms. Marcus defended doctors and nurses employed by UMDNJ as well as insurance companies involved in environmental litigation. She initially worked with Stephen Schechner representing nurses, doctors, dentists and hospitals as well as defending drivers of commercial vehicles. Ms. Marcus was Senior Trial Attorney for house counsel of CGU insurance company where she defended claims involving construction site accidents, premises liability, wrongful death claims and liquor liability. More recently she was a Senior Associate in the New Jersey office of a national law firm where she concentrated in insurance defense and coverage litigation including flood, mold, fire loss, toxic tort, asbestos and premises liability. Ms. Marcus rejoined Stephen Schechner to continue representing health care practitioners in all facets of their practice needs including licensing matters, defense of malpractice claims and purchase and sales of practices.

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LEGAL ASPECTS OF SPECIAL EDUCATION IN NEW JERSEY

The presenters will provide a general overview of special education policy and regulations in New Jersey, with a focus on procedural protections for parents including discipline, mediation and due process hearings, and complaint investigations. They will discuss the Department of Education's role and obligations of school districts with respect to these legal requirements. **(9:40 a.m. to 11:20 a.m.)**

John Worthington, Esq., is the Manager of the Bureau of Policy and Planning, Office of Special Education Programs within the New Jersey Department of Education. In this capacity he oversees the implementation of administrative of policy for the office, including development of regulations, model IEPs and the Parental Rights in Special Education booklet. In addition, Mr. Worthington oversees the dispute resolution system, the complaint investigation process, the approval and monitoring of approved private schools for students with disabilities and clinics and agencies, the SEMI program, and the IDEA Part B and AARA grant processes. Prior to obtaining his current position, Mr. Worthington worked for eleven years for the New Jersey Attorney General, primarily representing the Department of Education, and in July of 2000 began working for the Department of Education. Initially, he worked in the Bureau of Controversies and Disputes assisting in the preparation of Commissioner decisions in contested cases. From September 2002 to March 2005, he worked in the Office of Special Education Programs as the Coordinator of Dispute Resolution. In March 2005, Mr. Worthington became

the Coordinator of Policy Development in the Office of Special Education Programs. In January 2007, Mr. Worthington was appointed Acting Director of State Board of Appeals, in addition to continuing his duties as Coordinator of Policy Development. In this capacity, he oversaw the processing and determination of appeals of decisions of the Commissioner of Education, State Board of Examiners and School Ethics Commission on behalf of the New Jersey State Board of Education. After the Office of State Board Appeals closed in the Spring of 2008, he returned full-time to the Office of Special Education Programs. In the Fall of 2009 he became the Acting Manager of the Bureau of Policy and Planning.

Kathy Ehling, Esq., is the Coordinator of State Performance Planning, Office of Special Education Programs within the New Jersey Department of Education. Kathy's primary responsibilities within the OSEP include coordinating the annual submission of the State Performance Plan and Annual Performance Report to the United States Department of Education, coordinating the submission of New Jersey's annual IDEA Part-B application, and developing policy and regulatory documents. Ms. Ehling worked as a complaint investigator and mediator prior to becoming a coordinator. Prior to joining the department, Kathy worked as a fifth grade teacher in the West Windsor-Plainsboro School District.

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LEGAL STRATEGIES FOR PEOPLE WITH DISABILITIES: WADING THROUGH THE ALPABET SOUP OF SSI, SSD AND SPECIAL NEEDS TRUSTS

Learn about the disability income programs – supplemental security income and social security disability – and the role of special needs trusts. Estate planning with stand-by third party supplemental benefits trusts and testamentary trusts and possible need for guardianships will also be discussed. **(9:40 a.m. to 11:20 a.m.)**

Linda S. Ershow-Levenberg is a partner (member) with the firm Fink Rosner Ershow-Levenberg in Clark, NJ. Her practice concentrates in Elder Law, including planning, litigation and administration. Social Security Disability appeals; Medicaid planning, applications & appeals; Veterans Compensation appeals and Veterans Pension benefits; estate planning, and litigated estate & trust matters are all part of her practice. Linda is Certified (C.E.L.A.) in Elder Law by the National Elder Law Foundation, the accrediting body which is recognized by the New Jersey Supreme Court and the American Bar Association. She is the co-author of the Lexis-Nexis Practice Guide: NJ Elder Law, first published in 2008 with annual updates. She has also published articles on elder and disability law in the Marquette Elder's Advisor, NAELA News, NJ Lawyer Newspaper, and other professional publications for attorneys, and is a frequent lecturer on elder law issues to professional and community groups. Linda is a past Chairperson of the New Jersey State Bar Association's Elder & Disability Law Section, and past Chair of the

Union County Bar Association's Elder Law Committee. She is also a member of the National Academy of Elder Law Attorneys; was the AARP Representative on the Governor's Long-term Care Funding Advisory Council from 2008-2009; and is an Accredited Veterans Claims Attorney. She argued before the NJ Supreme Court on behalf of amicus curiae N.J. Chapter of the National Academy of Elder Law Attorneys in *In re Keri*, the seminal case on Medicaid planning by Guardians, for which she received an Appreciation Award from the Guardianship Association of New Jersey (GANJI). Linda received her B.A. magna cum laude from Douglass College where she was a member of Phi Beta Kappa, and her J.D. from Rutgers Law School-Newark. She was admitted to the Bar in 1984, clerked for the late Honorable Lawrence Lasser, Chief Judge of the New Jersey Tax Court, served as a Deputy Attorney General in the NJ Division of Law for ten years, and has been in practice in New Jersey since 1985.

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OPRA CASE LAW UPDATE

This class will cover significant Open Public Records Act (OPRA) cases decided by the courts and the Government Records Council over the past year. It will also include a discussion of emerging OPRA legal issues. **(1:40 p.m. to 3:20 p.m.)**

Lewis Scheindlin is an Assistant Attorney General for Appeals, Division of Law. Since enactment of OPRA in 2002, AAG Scheindlin has supervised all OPRA litigation and legal advice for the State, and has directly handled a number of significant OPRA cases in the Law Division, Appellate Division and New Jersey Supreme Court. AAG Scheindlin is a frequent presenter for the Attorney General's Advocacy Institute on topics including OPRA, appellate practice and attorney-client privilege and the work product doctrine.

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ORGANIZATIONAL SKILLS FOR DAsG AND ETHICAL ISSUES

This presentation will identify everyday organizational tools and techniques to help DAsG avoid ethics complaints, comply with the rules of professional conduct and reduce daily stress. This

presentation will examine specific cases and what could have been done to avoid the disciplinary outcome. **(9:40 a.m. to 10:40 a.m.)**

Carla Silva joined the law firm of Margolis Edelstein in 2013 where her practice focuses on defense of professional liability claims in civil litigation. Prior to that, Ms. Silva was a Deputy Attorney General in the Office of the New Jersey Attorney General, Division of Law, Professional Boards Prosecution Section. Ms. Silva served as judicial law clerk to the Honorable Rachel N. Davidson, J.S.C., in the Superior Court of New Jersey, Essex County, Law Division, where she was certified in mediation. Ms. Silva graduated summa cum laude from Boston University in 2003 with a B.A. in psychology. She subsequently earned her law degree from Seton Hall University School of Law in 2006 with a concentration in Health Law, which was supplemented with completion of the law school's Healthcare Compliance Certification Program in 2012. Her bar admissions include New Jersey, New York and the United States District Court, District of New Jersey.

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RECENT DEVELOPMENTS IN E-DISCOVERY

This is a presentation by the Division of Law's E-Discovery Task Force. This presentation will discuss electronic obligations in discovery, the use of various e-discovery tools and techniques to help manage your review and how to practically approach electronic information. The goal is to highlight some basic concepts and terminology so you know some basic questions to ask and who in the office can potentially help you. Offensive and defensive discovery techniques are changing with the prevalence of electronic data in our lives. Desktops, laptops, networks, thumb drives, Blackberries, tablets, smart phones, text messages, entertainment systems, photo copiers, Twitter, Facebook, social media, cloud computing and digital cameras are just a few sources of information that may or may not be relevant and responsive to ongoing litigation. As important as knowing where to look to request this information in discovery is, knowing how to ask your client for information responsive to discovery requests is also crucial. E-discovery has sometimes resulted in cases being burdened with massive amounts of potentially relevant information - much of which has not historically made its way for you the deputy to review or produce. **(9:40 a.m. to 11:20 a.m.)**

DAG William Puskas has served with the Banking and Insurance Section of the Division of Law since 2005. Bill previously maintained a general civil law practice in New Brunswick, NJ for many years. Bill served as a Municipal Judge in Franklin Township (Somerset County) from 1997 to 2001. Bill served as the Chief Financial Officer for a fraternal benefit society based in

Washington, DC from 2001 to 2004, and subsequently sat on the society's Board of Directors from 2004 to 2008. Bill received his J.D. from Boston University School of Law. Bill is currently a member of the Division of Law's E-Discovery Task Force.

DAG Geoffrey Gersten joined the Division of Law in 2003 after serving as a Law Clerk for the Honorable Donald S. Goldman, J.S.C. (retired). Geoffrey spent 4 years with the Consumer Fraud Prosecution Section and is now assigned to the Public Utilities Section. During his tenure, Geoffrey has worked on various matters involving recovery and review of electronic documents, subpoena responses to state and federal agencies as well as other large scale productions of electronic documents. During law school, Geoffrey traced spammers through various techniques, including a review of internet protocols and email text headers. Geoffrey received his J.D. from American University, Washington College of Law. Geoffrey is currently a member of the Division of Law's E-Discovery Task Force.

Kathi Cooley (f/k/a Kathi Downes) (Attorney Assistant) joined the Division of Law in 1991 after working five years a Paralegal/Administrative Assistant for the Monmouth County Prosecutor's Office. Kathi was initially assigned to the Banking & Insurance section to assist with the "JUA Litigation," where she had the pleasure of learning and then teaching how to use the very first electronic document management system purchased by the State of New Jersey. Kathi later moved to the Labor & Community Affairs Section to work on the "FRT Litigation." She has been with the Environmental Practice Group for the last dozen or so years, where her experience in managing voluminous document collections for complex litigation has been both challenging and rewarding. Kathi is currently a member of the Division of Law's E-Discovery Task Force.

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, 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).

SCHOOL BULLYING AS A VIOLATION OF THE LAW AGAINST DISCRIMINATION

This presentation will discuss how the courts have addressed the issue of school bullying as unlawful discrimination, contrasting the approaches taken by Federal and State courts. There will be a particular focus on the NJ Supreme Court case of LW v. Toms River BOE, and the elements of a cause of action in a bullying case. This presentation will also touch upon the Anti-Bullying Bill of Rights, and how it impacts claims under the Law Against Discrimination. **(1:40 p.m. to 2:40 p.m.)**

James Michael currently serves as a Deputy Attorney General and Section Chief of the Civil Rights section of the Division of Law, where he supervises the prosecution of discrimination complaints related to employment, public accommodations and housing on behalf of the

Division of Civil Rights. Jim has also worked on a series of initiatives aimed at improving access for people with disabilities in places of public accommodation, including schools, shopping malls, hospitals and polling places. He handled the litigation and appeals in L.W. v. Toms River Regional Schools Board of Education, the first case to address the issue of peer student harassment under the New Jersey Law Against Discrimination. In addition to his time in the Civil Rights section, Jim worked in the Affirmative Litigation section, focusing on a range of issues, such as mortgage fraud, pharmaceutical marketing and abusive debt collection practices. Prior to joining the Division of Law, Jim served as a Deputy Attorney General and Governor's Fellow with the Division of Gaming Enforcement. Jim is a graduate of Rutgers Law School in Camden, New Jersey and Franklin and Marshall College. He also holds a Masters Degree in Public Policy from the Eagleton Institute of Politics at Rutgers.

NJ CLE Credit: This program has 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, 0.0 qualify as hours of credit for ethics/professionalism.

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

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

THE NUTS AND BOLTS OF ATTORNEY/CLIENT PRIVILEGE AND THE WORK PRODUCT DOCTRINE IN THE GOVERNMENT CONTEXT

This seminar will provide the nuts and bolts of the law and practice involving the attorney/client privilege, deliberative process privilege and the attorney work product doctrine. The course will address the law and issues that relate to applying these doctrines in the government context, including practical tips on dealing when requests or demands are made for records which include privileged or protected materials. **(9:40 a.m. to 11:20 a.m.)**

AAG Brian F. McDonough is the Assistant Attorney General-in-Charge of the Affirmative Civil Enforcement Practice Group. Prior to joining the Division of Law, he was in private practice with a national law firm for twenty nine years where he specialized in securities and commercial litigation in the New York and New Jersey state and federal courts, as well as in arbitration tribunals throughout the country. Throughout the course of his career he has also devoted significant amounts of time to pro bono civil rights and capital post-conviction litigation. He began his career as a law clerk to former New Jersey Supreme Court Justice Robert Wilentz.

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, 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).