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*The Advocacy Institute Is Pleased to Announce*

## **PROGRAM ANNOUNCEMENT**

### **2013 LAST CHANCE ETHICS CREDITS**

**December 18, 2013  
10:00 a.m. to 1:30 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 3.2 Continuing Legal Education ethics credits for attending two presentations. Those interested in attending this program may seek to register for just one or both presentations, the descriptive summaries of which are attached.

#### *Who Should Attend?*

This program is open to all government attorneys, space allowing.

#### *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 3.2 hours of total CLE credit. Of these, up to 3.2 qualify as hours of credit for ethics/professionalism.

**NY CLE Credit:** up to 3.0 ethics credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** up to 2.5 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. Once your portal account is created you are prompted to enter your authorization code. This is Step 1 of the process, which you need only do once.

**If you have already been issued an authorization code in the past you do not need to request another one.** You can log into your account on the Garden State Network at <http://www.state.nj.us> and under the heading NJ L&PS Applications you will see the Attorney General's Advocacy Institute's Registration System. Click on that and log into your account on our system.

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**

### **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? **(10:00 a.m. to 12:00 p.m.)**

**DAG Anthony A. Picione** is with the Division of Criminal Justice and the 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.

**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).

### **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. **(12:30 p.m. to 1:30 p.m.)**

**Brian Lipman** is the Litigation Manager for the New Jersey Division of Rate Counsel. The Division of Rate Counsel represents the interests of ratepayers in hearings where a public utility seeks a rate increase. The Division also participates in other state and federal utility matters to protect the interests of New Jersey ratepayers. Prior to joining the Division, Mr. Lipman was a Deputy Attorney General in the Division of Law. He last served as 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 advised 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 & Vernioia 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.

**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, 1.2 qualify as hours of credit for ethics/professionalism.

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

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