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*The Advocacy Institute Is Pleased to Announce*

## **PROGRAM ANNOUNCEMENT**

### **EXPERT WITNESSES**

**January 15, 2014**

**4:00 p.m. to 5:30 p.m.**

**Richard J. Hughes Justice Complex**

**6th Floor Point Meeting Area – Attorney General's Library**

**25 Market Street**

**Trenton, New Jersey**

### **Program Summary**

This presentation will provide an overview of the process of selecting, preparing and using an expert at trial, with a focus on the State's use of expert testimony in drug prosecutions. Consistent with the Supreme Court's most recent pronouncement in State v. Sowell and an Attorney General letter to all prosecutors stressing the importance of limiting the use of such testimony to areas beyond the understanding of the jury, this presentation will also focus on the appropriate and inappropriate use of expert opinion under N.J.R.E. 702, concentrating on how to properly frame hypothetical questions in drug cases.

### **Who Should Attend?**

This program is intended for newly hired deputy attorneys general within the Division of Criminal Justice. The Division of Criminal Justice has selected those attorneys who must attend this program. Others within the Department of Law and Public Safety are welcome to attend space permitting. Please do not attempt to register for this program if you are not within the Department of Law and Public Safety.

### **Who Is the Faculty?**

**Howard Baum, PhD.** is the Director of the Office of Forensic Sciences for the New Jersey State Police. He has held this position since March 2008. Dr. Baum manages the operation of five laboratories in four locations throughout the state of New Jersey. The laboratories are responsible for drug testing, toxicology, trace evidence, serology, DNA, alcohol breath testing and forensic anthropology. The laboratories are accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) to ISO 17025 standards. Dr. Baum serves on the Command Staff of the New Jersey State Police.

Dr. Baum is the former deputy director of the forensic biology laboratory in the New York City Chief Medical Examiner's Office. He was responsible for the daily operations of that laboratory serving as technical leader supervising 175 individuals and provided technical leadership for the identification of those killed in the 9/11 attack on the World Trade Center. He worked for the medical examiner's office from April 1990 until March 2008.

Dr. Baum graduated from Cornell University in 1979 with a B.S. in biology and earned a Ph.D. in biochemistry from Brandeis University in 1986. He was a research scientist at Lifecodes Corp. in Valhalla, NY, an adjunct assistant professor in microbiology at New York Medical College in Valhalla, and a clinical assistant professor in forensic medicine at New York University School of Medicine. He holds 6 patents and has numerous publications. Dr. Baum is a certified assessor in the ASCLD/LAB international program and a certified Alcotest 7110 Operator Trainer and Maintenance Technician. Dr. Baum serves on the Attorney General's Heroin Task Forces, the American Society Crime Laboratory Directors Forensic Research Committee, and the FBI NDIS DNA Audit Review panel.

**DAG Philip J. Mogavero** has been assigned to the Gangs and Organized Crime Bureau since 2007. From 2001, when he joined the office, until 2007 DAG Mogavero was assigned to the Office of the Insurance Fraud Prosecutor within the Attorney General's Office. Since 2011 DAG Mogavero has been a member of the New Jersey Attorney General's Shooting Response Team and is responsible for investigating police shootings and in custody death cases. Prior to joining the Attorney General's Office DAG Mogavero became a Certified Trial Attorney in 1996. From 1993 to 2001 DAG Mogavero was an Insurance Defense Attorney for several insurance companies. From 1989 to 1993 he was an Assistant Prosecutor with the Essex County Prosecutor's Office. DAG Mogavero obtained his undergraduate degree from Northeastern University in 1984, and his law degree from The Ohio Northern University, School of Law in 1987.

**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.

### **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 1.8 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism and 1.8 qualify as hours of credit toward certification in criminal trial law. This presentation may qualify to satisfy the attendees' newly admitted attorney obligations.

**NY CLE Credit:** 1.5 substantive credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** 1.5 substantive credits (\$3.00 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.