



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

DIVISION OF LAW: IN-SERVICE TRAINING

**August 7, 2014
8:30 a.m. to 4:00 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. These programs will cover a variety of substantive and ethics topics. The topics and presenters are listed on the following pages.

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 3.2 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 3.0 ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: Up to 3.0 substantive and/or 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 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

(9:40 a.m. to 11:40 a.m.)

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.

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.

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).

CYBERSECURITY LAW AND POLICY

(9:40 a.m. to 11:40 a.m.)

This presentation will discuss recent case law, statutory and regulatory developments relating to cybersecurity law and policy, including issues relating to adult and child online safety, commercial and consumer Internet privacy and fraud, and online surveillance and national security.

David Opderbeck is Professor of Law and Director of the Gibbons Institute of Law, Science & Technology at Seton Hall University Law School. Professor Opderbeck's work focuses on the regulation of access to scientific and technological information. His published work has employed the tools of game theory, classical microeconomics, and statistical analysis to address issues such as settlements in Hatch-Waxman litigation, cybersecurity policy, intellectual property restrictions on essential medicines in developing countries, open source biotechnology, patent damages reform, and the interaction of law and social norms concerning music file sharing. Professor Opderbeck's interest in cybersecurity law and policy included a multi-year grant-

funded project sponsored by the Bergen County, New Jersey Prosecutor's Office, which included new courses, continuing legal education programs, and the creation of a governmental working group on cybersecurity and cybercrime. The governmental working group recently worked on a new online child pornography bill that was signed into law by Governor Christie. Professor Opderbeck frequently lectures to law enforcement agencies and other groups on cybercrime, cyberterrorism, and civil liberties.

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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).

**EASY AS ABC: RAIDING A NONCOMPLIANT BEVERAGE ESTABLISHMENT
(2:00 p.m. to 3:00 p.m.)**

This presentation will provide an overview of Alcohol and Beverage Control statutes and regulations. This presentation will also offer the basics of: an ABC investigation, searches, and referrals for enforcement action.

Michael I. Halfacre was appointed Director of the Division of Alcoholic Beverage Control by Governor Chris Christie. He began his work as Acting Director on February 6, 2012 and, after New Jersey Senate confirmation, was sworn in as Director on March 30, 2012. Prior to his appointment as Director, Mr. Halfacre was in private practice, including having his own firm where he specialized in transactions, including sales and refinance of real estate and transfers of ABC licenses. During this time Director Halfacre also served as a municipal prosecutor in Little Silver and Rumson, where he argued for convictions for drunk drivers and adults who provided alcohol to underage drinkers. While in the private sector, Director Halfacre served as a trustee of the New Jersey State Bar Foundation, Ocean-Monmouth Legal Services and the Monmouth Bar Association. A lifelong resident of Fair Haven, Director Halfacre served in various elected and appointed positions in the municipality, including serving as Mayor from 2007 through his appointment as Director of the Division of Alcoholic Beverage Control. Director Halfacre earned his undergraduate degree in Political Science from Florida State University, where he was the co-captain of the varsity swimming team. He later earned his law degree from the University of Dayton. He was admitted to the New Jersey Bar in 1991.

SDAG Kevin Marc Schatz, Acting Enforcement Bureau Chief began his State service in 1991 at the Division of Law. In that capacity, he represented several state agencies, including the Division of Alcoholic Beverage Control ("ABC"), the Economic Development Authority, the Racing Commission and the Divisions of Taxation and Pensions and Benefits. From 1997-1999, Kevin was the first Supervisor of the Division of Purchase and Property's Contract Compliance & Administration Unit. Kevin joined ABC in 1999 as the Assistant Enforcement Bureau Chief and was most recently appointed the Acting Enforcement Bureau Chief. He has successfully argued cases in State courts of every level, as well as the federal District Court and Third Circuit

Court of Appeals. He received L.L.M. (Taxation) and J.D. degrees from the Widener University School of Law and an M.B.A. degree from the Widener University School of Management. He was the first Widener University student to earn both J.D. and M.B.A. degrees in three years. He also received a B.S. degree at St. Joseph's University.

Kevin T. Barber, Acting Chief Investigator of the Investigations Bureau was hired by the Division of Alcoholic Beverage Control as an Investigator in 1995. As an Investigator, he conducted retail compliance inspections and also participated in undercover operations for underage drinking. He also assisted in training seminars provided by the New Jersey Division of Alcoholic Beverage Control to license holders, their employees, and members of law enforcement. Kevin was recently appointed Acting Chief Investigator of the Investigations Bureau. In that capacity, he plans, coordinates, and directs Investigators performing investigations and inspections of prospective and current holders of retail and wholesale liquor licenses. He is a graduate of Rowan University with a B.A. degree in Law and Justice. He also completed Levels I, II, and III of the New Jersey Certified Public Manager Program.

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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).

ELECTION LAW TRAINING (9:40 a.m. to 11:40 a.m.)

Learn about the relevant statutes & regulations concerning the upcoming elections and how to apply the law as a deputy assigned to represent a county Board of Elections or Superintendent of Elections.

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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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).

JURY SELECTION AND ETHICAL CONSIDERATIONS
(2:00 p.m. to 3:00 p.m.)

Selecting a jury is of the utmost importance. This presentation will offer practical guidance on how to effectively choose a jury, as well as examine ethical problems and considerations in selecting a jury. Among the topics addressed are the impact of social media in jury selection, crafting questions with a purpose, organization as a key tool, and use of challenges.

Jessica Allen is an Assistant Attorney General in the Division of Law. Joining the DOL in April 2013, she splits her time in assisting with the oversight of the work of the Litigation Practice Group and Affirmative Civil Enforcement Practice Group. Ms. Allen has brought a wealth of prosecutorial, employment and civil rights experience to the DOL. Prior to her tenure with the Division of Law, Ms. Allen worked for the federal government and in private practice. From 2000 to 2005, she worked in the United States Attorney's Office, where she litigated and tried civil actions on behalf of federal agencies in the areas of employment discrimination, tort and immigration law. In addition, she investigated and prosecuted a wide variety of federal criminal matters including mortgage fraud, identity theft and credit card fraud. Ms. Allen worked as an employment litigation associate at the law firm of Wilentz, Goldman & Spitzer from 1997 to 2000 and then again from 2005 to 2007. While at Wilentz, she was responsible for providing employment counseling to clients, litigating cases, and conducting sexual harassment and diversity training and investigations. Beginning in 2007, Ms. Allen served as the permanent law clerk to U.S. Magistrate Judge Madeline Cox Arleo in the District Court of New Jersey. In this position, she was responsible for researching and drafting comprehensive court opinions and bench memoranda on a wide variety of matters including the False Claims Act, employment discrimination claims, 1983 civil rights claims and violations of consumer protection laws. Ms. Allen is a 1996 graduate of Seton Hall University School of Law and a 1992 *Cum Laude* graduate of Rutgers University. Upon graduation, she clerked for U.S. Magistrate Judge Ronald J. Hedges in the District Court of New Jersey.

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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).

**THE LAWS GOVERNING DISABILITY RETIREMENTS FOR NJ PUBLIC
EMPLOYEES**
(2:00 p.m. to 3:00 p.m.)

This presentation will survey the law governing disability retirements which are a benefit provided to public employees enrolled in PERS, PFRS, TPAF and SPRS with particular focus on accidental disability retirement as presently interpreted by the Supreme Court under Richardson v. PFRS and Patterson v. PFRS and developing issues.

SDAG Eileen Den Bleyker has served as an attorney for the State of New Jersey for over 20 years. She joined the Office of the Attorney General in 1992 following a judicial clerkship with the Hon. Nicholas G. Mandack, A.J.S.C. Passaic County Superior Court. In the OAG SDAG Den Bleyker acted as legislative counsel responsible for providing analysis and comment on legislation affecting the Department of Law and Public Safety and developing legislative initiatives for the Attorney General. In 1996 she transferred to the Division of Law and defended New Jersey Transit and other State agencies against tort and other claims brought in State and federal courts. Between 2000 and 2002 she served as Assistant Counsel in the Governor's Authorities Unit and upon her return to the DOL she was assigned to represent agencies in the department of the Treasury. In 2005 SDAG Den Bleyker assumed responsibility for representation of the Division of Pensions and Benefits as lead counsel. In representing Pensions, SDAG Den Bleyker has argued several cases in the NJ Supreme Court including *Richardson v. PFRS* and *Patterson v. PFRS* which set the standard for the award of accidental disability retirement. SDAG Den Bleyker was appointed Chief of the Treasury Section, now the Pensions and Financial Transactions Section in 2008. SDAG Den Bleyker is a magna cum laude graduate of Seton Hall Law School and completed her undergraduate degree at Fairleigh Dickenson University.

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 LEGAL ETHICS OF SOCIAL MEDIA: LIMITING RISKS FOR LAWYERS
(2:00 p.m. to 3:00 p.m.)

With the proliferation of social media, social networks such as Facebook and LinkedIn have become essential investigatory, legal and marketing tools for lawyers. But as a lawyer, there are certain ethical concerns one needs to consider. This presentation will explore the ethical issues raised by the use of social media, such as the duty of candor, attorney advertising, prospective "clients," the boundaries of "friending," juror selection and ex parte communications. No prior knowledge or experience with social media networks is necessary.

DAG General Martin Gandelman joined the Division of Law in September 2011 as a Volunteer Associate in Public Service in the Professional Boards Prosecution Section. Since becoming a Deputy Attorney General in the Securities Fraud Prosecution Section in July 2012, DAG Gandelman has represented the New Jersey Bureau of Securities and New Jersey Division of Investment on various matters. He received his B.A. in History in 2007 from the University of Michigan and his J.D., cum laude, from the Benjamin N. Cardozo School of Law in 2011.

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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).

**NEGOTIATION AND DISPUTE RESOLUTION WORKSHOP
(9:40 a.m. to 4:00 p.m.)**

This **FULL DAY** workshop is specifically designed for attorneys and other legal professionals. Topics covered include negotiation theory and practice, the differences between mediation and arbitration, and how to use mediation to settle court cases. Role-play and discussion are stressed in this highly interactive workshop. Participants who complete this one-day workshop may then choose to attend an additional two-day training program that will qualify them to apply to be on the New Jersey State Court Mediation Roster.

Jessica M. Pyryt is a Mediator with the New Jersey Office of Dispute Settlement (ODS). ODS is one of the leading mediation offices in the country, mediating over 50 cases each year for the state and federal courts. Ms. Pyryt joined ODS in 2011 as a Foreclosure Mediator, and has since expanded her mediation practice to include a wide variety of Civil case types including small claims, personal injury, and employment. Ms. Pyryt also facilitates several types of training for ODS. She has trained groups including New Jersey Civil Court Roster Mediators, attorneys and staff members of the Public Defender and Attorney General's Offices, and members of the New Jersey State Police. Ms. Pyryt received her J.D. from Rutgers Camden School of Law. Immediately following law school, she clerked for the Hon. Julio L. Mendez in the New Jersey Superior Court, Family Part.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 5.2 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism and 5.2 qualify as hours of credit toward certification in civil trial law.

NY CLE Credit: 5.0 substantive credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 4.0 substantive credits (\$6.00 mandatory registration fee required).

**NJ RACING COMMISSION: FROM JOCKEYS TO OFF-TRACK WAGERING
FACILITIES
(9:40 a.m. to 11:40 a.m.)**

This course will address : (a) what is required for the legally compliant operation of racetracks, related operations (including internet and telephone wagering), and Off-Track Wagering facilities in New Jersey; (b) the legal process to implement a regulatory enforcement action in New Jersey, against jockeys, trainers, owners and other licensed horse race industry participants, who are accused of acting in violation of the rules of racing; and (c) what is required of a person to obtain a license to become a jockey, trainer or race horse owner in New Jersey. Learn about the typical day for a jockey and trainer, the process involved to begin a successful career, and the

legal process such individuals potentially face within a highly regulated gaming industry. This presentation will also discuss the types of legal race horse ownership options available to individuals.

Michael Vukceвич, has been Deputy Director of the New Jersey Racing Commission, since 1992. In this position, he supervises the work of Commission staff, oversees investigations, and advises the Commission with respect to the administrative, operational and financial aspects of the regulation of horse racing. During his tenure with the Racing Commission, he was responsible for both developing rules concerning, and overseeing the implementation of, significant initiatives relating to horse race wagering, including casino simulcasting, internet wagering, telephone wagering, and the placement of off-track wagering facilities in this State. Prior to working with the Racing Commission, he was employed by the Division of Criminal Justice, in various capacities including as a Supervisor within the Statewide Narcotics Task Force and Environmental Prosecutions Sections. In addition to gaining experience in the gaming law area, while with the Division of Criminal Justice's Casino Prosecutions Section and Organized Crime and Racketeering Bureau, he also served as a Deputy Attorney General with the casino licensing section of the Division of Gaming Enforcement. In the latter capacity, he represented the State with regard to the casino licenses, and key executives/employees, as concerns the Trump and Resorts International Hotel casino properties. He received his law degree in 1980 from Temple University School of Law.

Steve Pagano is the Chief State Steward for thoroughbred racing in New Jersey. He is accredited with the American Racing Commissioners International (ARCI) and United States Trotting Association (USTA) in thoroughbred and harness racing. Steve is a member of the Racing Official Accreditation Program Stewards Advisory Committee,(ROAP -SAC) and helps develop policy and regulations for the ARCI. He has over forty years of experience in the horse racing industry. Steve has competed as a Jockey for 15 years with over 1700 hundred wins.

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).

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

(9:40 a.m. to 11:40 a.m.)

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.

AAG Brian F. McDonough is an Assistant Attorney General with 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.

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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).

OPRA UPDATE 2014 (2:00 p.m. to 3:00 p.m.)

This presentation 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.

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.

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).

ORGANIZATIONAL SKILLS FOR DASG AND THE RPCS (9:40 a.m. to 10:40 a.m.)

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 also examine specific cases and what could have been done to avoid the disciplinary outcome.

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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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).

RECENT DEVELOPMENTS IN THE LAW OF E-DISCOVERY (9:40 a.m. to 11:40 a.m.)

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.

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.

DAG William B. Puskas, Jr. 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. He also 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 graduated *magna cum laude* from Dartmouth College and 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.

Kathi Cooley (Attorney Assistant, f/k/a Kathi Downes) joined the Division of Law in 1991 after working five years at the Monmouth County Prosecutor's Office. Kathi was initially assigned to the Banking & Insurance section to assist with the complex "JUA Litigation." Kathi moved to the Labor & Community Affairs Section in 1995 to work on the "FRT Litigation" as well as Labor and Personnel cases. She has served in two sections of the Environmental Practice Group for the last dozen or so years, where she continues to gain expertise in managing voluminous document collections for complex litigation. Kathi is a member of the Division of Law's e-Discovery Task Force.

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

THE REGULATION OF MIXED MARTIAL ARTS IN NEW JERSEY (2:00 p.m. to 3:00 p.m.)

This presentation will provide a general overview of the proper oversight and control over professional and amateur mixed martial arts events held in the State of New Jersey. Topics include medical and licensing issues, staffing concerns, contractual issues, drug testing, revenue generation and collection, disciplinary penalties and handling appeals. Further topics discussed will be: 1) Performance Enhancing Drug Testing Notification, Type and Time of Collection, Lab Used, the B Sample, Chain of Custody, Appeals Hearings, Penalty Pronouncement; 2) Disciplinary Penalties; Palhares heel hook, High touching referee, Mutapcic corner substances, fighting or cornering under suspension; 3) Medical Issues, Alves AVM, Williams aneurysm, Abdusalamov lawsuit, Hepatitis C, Therapeutic Use Exemptions; 4) Legal Issues: Transgender fighters, the non-sanctioned fight, artificial limbs, down syndrome; 5) Staffing Concerns, Conflicts, Ethics, Social Media; 6) Contractual Disputes Manager-Contestant, Promoter-Contestant, Immigration issues; and 7) Revenue, Proper Collection Methods, Revenue Generation per Event.

Nicholas Lembo graduated from The Pennsylvania State University with a bachelor of science degree. After receiving his juris doctorate degree in Miami, Florida and interning with the Broward County Attorneys Office, he received a masters of law degree in taxation from Villanova University School of Law. He is a member of the New Jersey, Washington DC, and Florida bars. He formerly served on the Villanova University School of Law Sports and Entertainment Law Alumni Advisory Board. He became a Deputy Attorney General for the State of New Jersey in 1995 and has served as Counsel to the New Jersey State Athletic Control Board since that time. He served as New Jerseys representative on the National Association of Attorney Generals Boxing Task Force from 1998 to 2000. With specific regard to the sport of mixed martial arts, Nicholas has chaired, or is chairing, Association of Boxing Commissions committees such as Rules Review, Training and Officiating, Gloves and Equipment, Matchmaking, and Amateurs. Nicholas was involved in the drafting and passage of the unified rules for professional mixed martial arts as New Jersey, in 2000, was the first North American jurisdiction to fully legalize and completely regulate mixed martial arts events. These unified rules of mixed martial arts are now followed by most States, sovereign nations, and several countries. In 2005, Nicholas then authored the creation of an amateur rule set for the sport, which has since been used as a model by several other jurisdictions. In the first use of instant replay in the sport's history, Nicholas utilized replay on November 26, 2008 to call an unseen tap out and declare the stoppage of a bout. Nicholas has conducted numerous referee, judging and inspecting seminars and has personally appeared, submitted testimony or writings, and/or provided opinions to those involved in the passage and regulation of the sport, in California, Calgary, Delaware, Florida, Maryland, Massachusetts, Michigan, Ohio, Tennessee, Georgia and Washington DC, at their request. Nicholas also traveled to Moscow, Russia after being asked to act as an expert consultant to oversee and review the first major professional event held there. Nicholas was selected as the expert panelist for the discussion of the mixed martial arts documentary film, Renzo Gracie: Legacy, upon its premiere in 2008 in Philadelphia, PA at the inaugural United States Sports Film Festival. He was inducted into the New Jersey Boxing Hall of Fame in Garfield, NJ in 2008. In 2010, Nicholas received an Outstanding Contribution to the Sport of Mixed Martial Arts award, in Orlando, FL, from the American Association of Professional Ringside Physicians. Also in 2010, in Atlantic City, Nicholas was selected for entry into the Action Martial Arts Magazine Hall of Fame. He was a selected presenter to the United States Marine Corps Martial Arts program in 2011 at Quantico, VA. He was a featured speaker at the 2011 in Philadelphia, PA at the annual meeting of the Joint Conference of Sports Medicine and Science. He has been quoted on combat sports in media such as the Associated Press, The Baltimore Sun, The Chicago Tribune, ESPN, The Los Angeles Times, The New York Times, The New York Daily News, The Press of Atlantic City and Time Magazine. He has been featured in publications such as Extreme Fighter, Fighters Only, Fight, Full Contact Fighter, Muay Thaimes and Ultimate Grappling.

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

**THE REVITALIZED WATERFRONT COMMISSION: CHANGING THE CULTURE
OF A TROUBLED INDUSTRY ON THE WATERFRONT
(2:00 p.m. to 4:00 p.m.)**

This presentation will provide an overview of the statutory and regulatory mission of the bi-state Commission, which was created in 1953 because of the pervasive corruption on the waterfront in the Port of New York-New Jersey that was previously documented during public hearings held by the New York State Crime Commission with the assistance of the New Jersey Law Enforcement Council. This presentation will present a historical narrative of organized crime and labor racketeering, which continues to exist in the Port, as well as recent criminal and administrative investigations and prosecutions relating to waterfront practices. This presentation will also explore present legal issues and matters confronting the Commission, including the 2008 overhaul of the Commission.

Phoebe S. Sorial became General Counsel of the Waterfront Commission of New York Harbor on May 10, 2010. In that capacity, she is the chief legal advisor for the Commission and assists the Commission in fulfilling its statutory mission. Ms. Sorial is a graduate of Rutgers University and Rutgers-Newark School of Law, where she was the Managing Business Editor of the Computer and Technology Law Journal. In 2000, she served as a law clerk to the Honorable Rudy B. Coleman, Judge of the Appellate Division of the Superior Court of New Jersey, before entering into private practice. In 2003, Ms. Sorial joined Saiber LLC and represented corporate clients, state agencies and public entities in complex litigation at local, national and international levels. She also counseled clients regarding internal matters, including securities compliance, employment practices and other corporate protocols. In 2008, Ms. Sorial joined a Florida government relations firm, where she advised of legal implications of firm strategies and focused on legislative advocacy, alliance building and crisis communications. During her tenure, she met with legislative delegates and secured sponsorship for proposed legislation. Ms. Sorial is admitted to practice law in New York, New Jersey and Florida. She is also admitted in the U.S. District Court for the District of New Jersey, the Southern District of New York, the Middle and Southern Districts of Florida, as well as the U.S. Court of Appeals for the Second and Third Circuits.

Walter M. Arsenault, was appointed Executive Director of the Waterfront Commission of New York Harbor on September 10, 2008. He is the grandson of a long shore man and the son of a U.S. Customs Inspector and Supervisor who spent his career on the piers of New Jersey. Mr. Arsenault is a graduate of the Johns Hopkins University and Rutgers University School of Law. He served as an Assistant Prosecutor in Bergen County, New Jersey from 1978 to 1984 where he was Chief of the Trial and Grand Jury Sections. Mr. Arsenault joined the New York County District Attorney's Office in 1984 where he served until 2003. Mr. Arsenault was the Chief of that office's Homicide Investigation Unit for most of his career there. He specialized in the investigation and prosecution of violent drug gangs. Mr. Arsenault also served as a Senior Trial Counsel in Trial Bureau 70 and a Senior Investigative Counsel in the Office of the Special Narcotics Prosecutor. In 2003, Mr. Arsenault was appointed First Deputy Commissioner of the

New York City Department of Investigation. He oversaw that office's daily operations as well as leading high profile political corruption and organized crime investigations. He retired from city service in March of 2008.

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
(2:00 p.m. to 3:00 p.m.)**

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.

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 SPILL ACT: FROM DRIPS TO DISCHARGES
(2:00 p.m. to 3:00 p.m.)

This presentation will examine the causation requirements faced by the State under the Spill Compensation and Control Act in light of the Supreme Court's 2012 decision in NJDEP v. Dimant. We will look at the underlying facts of that matter and the Supreme Court's holding, focusing on what is the causation requirement on a party such as NJDEP when it seeks to hold dischargers liable for cleanup and removal costs. The case has been often cited since its decision by Spill Act public and private practitioners, as it is one of the recent major decisions interpreting the Spill Act, and has implications on the protection of the environment and the recovery of public funds used to address contaminated sites.

DAG Paul Stofa joined the Division of Law in 2003, where he is assigned to the Environmental Enforcement Section and works primarily on cost recovery and natural resource damages (NRD) matters on behalf of the Department of Environmental Protection and other State agencies. He has litigated matters in the Superior Court of New Jersey and in the U.S. District Court for the District of New Jersey. Before joining the Division of Law, he clerked at the Office of Administrative Law and previously worked as a legal intern at the United States Environmental Protection Agency-Region II, and at Hess Corporation in Woodbridge, NJ. He received his Juris Doctorate from Seton Hall University School of Law, and a Bachelor of Science in Environmental Policy from Rutgers University, Cook College.

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).

TEN TIPS YOU NEED TO KNOW ABOUT APPEARING BEFORE A MEDIATOR
(9:40 a.m. to 11:40 a.m.)

This presentation will provide an overview of mediation in general and the New Jersey Superior Court mediation program in specific. Topics to be covered include, among other things, the background and purpose of the Superior Court program under Rule 1:40-1, et seq., preparing the confidential, ex parte mediation statement, evaluative versus facilitative mediation techniques, the mediator's role and expectations, and the meaning "good faith" participation as required by the Court Rules. This presentation will also address issues involving the handling of non-parties who attend or participate in mediations; confidentiality requirements for mediators vis-à-vis the mediating parties, non-party attendees, the court and state agencies; mediators' duties pursuant to the Rules of Professional Conduct where state laws require disclosure of illegal activity; and the mediators' duty where potential settlement might conceal potentially illegal act or future danger to non-party(ies). The significance of Willingboro Mall, Ltd. v. 240/242 Franklin Avenue, LLC, 215 N.J. 242 (2013), will be discussed, particularly as it relates to the articulation of material terms, in writing, as a pre-requisite of a binding settlement. In addition, there will be a

discussion concerning ethical issues under the Rules of Professional Conduct that arise for mediators and counsel before, during and after the mediation conference. The application of the Uniform Mediation Act will also be included as part of the overall presentation.

Louis H. Miron received his J.D from The American University, in Washington D.C. He then clerked for the United States District Court in Augusta Georgia. He served as an instructor at the Catholic University School of Law in Washington, D.C. and additionally taught courses at Montclair State University and Fairleigh Dickenson University. Louis was an attorney at both Saiber Schlesinger Satz & Goldstein, and recently at Horowitz & Horowitz, where he has litigated both commercial and personal injury issues. He also has invaluable experience in arbitration, and has been appointed by the United States District Court, New Jersey Superior Court and NASD/FINRA to mediate commercial, employment, personal injury and securities litigation. Louis is also frequently retained by private parties to mediate commercial, employment and securities disputes prior to and after the commencement of lawsuits. He has been appointed to various prestigious boards, foundations and committees involving legal ethics, legal education and court/community collaboration. Louis has been published in many highly respected journals and is considered by many to be an expert in out-of-court dispute resolution.

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, 1.0 qualify as hours of credit for ethics/professionalism.

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

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

**TIPS ON HANDLING CHALLENGING SEXUAL ABUSE FACT FINDINGS:
A CASE STUDY
(9:40 a.m. to 11:40 a.m.)**

Using a recent case as our guide, the course will address a number of challenging issues PRS deputies confront when trying complex sexual abuse matters. We will tackle such topics as responding to discovery motions by the defense, including those requesting psychological and psychiatric evaluations of the child victim, how to admit forensic videotaped interviews of child victims, and how prepare and adequately qualify your psychological expert. The class will also focus on what do when there is little corroboration supporting the allegation of abuse or when the child victim recants a claim of misconduct. The course will review both foundational case law on the subject and cover recent opinions.

Michelle Mikelberg has been a Deputy in the Division of Law assigned to the Division of Children and Families Section for the past six years. Prior to joining the Division of Law, she was a law clerk to the Honorable Thomas Vena, J.S.C. in Newark, N.J. Michelle graduated from Brandeis University and Fordham University School of Law.

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).