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*The Advocacy Institute Is Pleased to Announce*

## **PROGRAM ANNOUNCEMENT**

### **2014 BASIC PROSECUTOR'S COURSE: PHASE I**

**September 8 & 9, 2014**

**8:30 a.m.-4:15 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 two-day seminar series is the second phase of an integrated three-phase course designed for new assistant prosecutors and deputy attorneys general, which culminates with an intensive four-day trial advocacy program. Among the topics addressed during this session will be ethics of plea negotiations, dealing with expert witnesses, trial ethics and persuasive motion practice issues. *Please see the attached schedule.*

#### ***Who Should Attend?***

This program is intended for new assistant prosecutors and Division of Criminal Justice deputies, **attendance for which has already been determined by each county prosecutor's office and the Division of Criminal Justice.** Do not attempt to register for this course if you have not been instructed to do so.

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

*Please see the attached schedule.*

#### ***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 11.7 hours of total CLE credit. Of these, 2.4 qualify as hours of credit for ethics/professionalism, up to 11.7 qualify as hours of credit toward certification in criminal trial law and up to 11.7 qualify as hours of credit towards newly admitted/criminal trial preparation.

**NY CLE Credit:** up to 8.0 substantive credits and 2.0 ethics credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** up to 7.5 substantive credits and 2.0 ethics credits (\$15 mandatory registration

fee required; one check per class in amount indicated below).

### *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.

**LIST OF COURSES AND PRESENTERS**  
**SEPTEMBER 8, 2014**

**PERSUASIVE MOTION PRACTICE ISSUES (9:30 a.m. - 10:30 a.m.)**

This course will cover an array of issues relating to pretrial motion practice in criminal matters. Subjects will include common pretrial motions; motions *in limine*; the conduct of a pretrial hearing on motions filed before trial, how to make offers of proof as well as commonly made mistakes in pretrial hearings. Other topics will include: commonly used trial objections relevant legal precedents relating to motion practice and important Court and Evidence Rules.

**Linda Childs** is an Assistant Prosecutor in the Essex County Prosecutors Office. A career prosecutor for twenty-two years, she is currently a trial supervisor on the Adult Trial team. Her responsibilities include the supervision, training and development of young trial attorneys. She has tried over 150 jury trials including all manner of felony and misdemeanors, i.e., murder, child abuse, sexual assault and carjacking. Prior to her career in the Prosecutor's Office she worked briefly at two general litigation firms. During the last ten years she has pursued her strong interest in teaching and training young lawyers. Since 2004 she has been an active faculty member at the Attorney General Advocacy Institute, Trial Advocacy Skills Program. Ms. Childs is a graduate of Rochester Institute of Technology and Rutgers Law School. She has maintained an active involvement in the community. For fifteen years she taught youths, ages 7 – 18 years, public speaking skills for the New Jersey Orators. This is a program which supports her belief that developing effective speaking and communication skills are extremely important to being successful in life. She is currently working with the youth basketball program, More Than That, Inc., teaching public speaking skills as well.

**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 1.2 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, up to 1.2 qualify as hours of credit toward certification in criminal trial law, and up to 1.2 qualify as hours of credit towards newly admitted/criminal trial preparation.

**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).

**JUVENILE JUSTICE ISSUES (10:45 a.m. - 11:45 a.m.)**

Subject matter to be presented includes the history of the Juvenile Justice system in NJ, the NJ Code of Juvenile Justice, options for dispositions of juvenile offenders, juvenile offenders and the Prevention of Domestic Violence Act. The course will also cover waiver hearings, detention hearings, custodial issues, warrants and sharing of juvenile offender information with schools. Discussion of relevant judicial precedents as well as important statutes is included.

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

#### **ETHICAL PREPARATION OF WITNESSES (12:00 p.m. - 1:00 p.m.)**

Preparation of trial witnesses from the initial and subsequent interviews, to review of direct and cross examination as well questions to be asked of witnesses to support the introduction of evidence will be addressed in this presentation. Ethical considerations will be covered to round out the presentation.

**Howard D. Zuckerman** recently retired from his position as Deputy Chief Assistant Prosecutor over the Trials Unit in Essex County. Howard completed over 200 jury trials while assigned to various units, including, Homicide, Major Crimes, Child Abuse and Adult Trial. While in the Adult Trial Section he supervised over fifty assistant prosecutors.

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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).

**LUNCH (1:00 p.m.-2:00 p.m.)**

**TRIAL ETHICS (2:00 p.m. - 3:00 p.m.)**

The Rules of Professional Conduct pertaining to trial conduct of prosecutors and defense counsel constitute the subject matter covered in this presentation. Pertinent RPCs and case law are discussed also included is a discussion of ethically proper conduct during grand jury presentations.

**DAG Erik Daab** started his career with the Tennessee Office of the Attorney General working on death penalty cases, and was the State Witness for the execution of the first inmate executed in Tennessee in forty years. He later came to the New Jersey Attorney General's Office, where has served in the Appellate Bureau, Corruption Bureau, and Chief of the Medicaid Fraud Unit. He is currently assigned to the Gangs and Organized Crime Bureau of the Attorney General's Office, prosecuting large scale narcotics and weapons trafficking cases.

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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).

**TRIAL EVIDENCE AND OBJECTIONS (3:15 p.m. - 4:15 p.m.)**

Proper techniques for the introduction of all types of evidence introduced at trial including: real evidence, demonstrative evidence, as well as the proper use of charts, graphs, compilations and computer-generated models and graphics. Also covered in this presentation are the most commonly raised objections at trial and the legal bases for those objections based on the NJ Rules of Evidence.

**Assistant Prosecutor John McNamara, Jr.** is currently Senior Trial Counsel for the Office of the Morris County Prosecutor. He graduated from the University of Scranton in 1986 with a Bachelors of Arts degree, and a Masters of Arts degree, in History. He graduated from the Catholic University of America Columbus School of Law in 1989. Upon graduation from law school, he served as judicial clerk to the Hon. Donald G. Collester, Jr., J.A.D. In 1990, he was hired by Robert M. Morgenthau as an Assistant District Attorney for New York County. In

1992, he was appointed to the Homicide Bureau. He prosecuted homicide cases until he left to join the Morris County Prosecutor's Office in 1996 under Prosecutor John B. Dangler. He served in this capacity until September of 1998, when he briefly left the office for private practice. He was re-hired as an Assistant Prosecutor in February of 2000 by Prosecutor Dangler. He served

as Chief of the Major Crimes Unit as the supervising attorney for approximately 12 years until being named the Supervising Assistant Prosecutor for the Professional Standards Unit, in 2014.

Assistant Prosecutor McNamara has prosecuted numerous homicide cases on behalf of the Morris County Prosecutor's Office, including capital cases before the abolition of the penalty in 2007. He also served as a Special Deputy Attorney General in the contested proceeding before the N.J. Supreme Court-appointed Special Master examining whether New Jersey should modify the standards for admissibility for eyewitness identification testimony. He is currently serving his fourth term as a member of the New Jersey Supreme Court Committee on Model Criminal Jury Charges. He is a member of the bar of the State of New Jersey, the State of New York, the Supreme Court of the United States, and the United States Court of Appeals for the Third Circuit.

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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).

## **LIST OF COURSES AND PRESENTERS SEPTEMBER 9, 2014**

### **CONSTITUTIONAL ISSUES IN INTERVIEWING AND IDENTIFICATION OF CRIMINAL DEFENDANTS (9:30 a.m. - 10:30 a.m.)**

Topics to be covered in this lecture include constitutional issues relating to Wade/ID proceedings and a general overview of state and federal law relating to Miranda violations and proper interrogation procedures.

**DAG Deborah Bartolomey** is a Deputy in the Division of Criminal Justice Appellate Bureau, where she has worked since 1990. She specializes in identification and Miranda law, and represents the State in all New Jersey federal and state courts. She represented the State in the Supreme Court in State v. Henderson, where the Supreme Court ordered a remand for a hearing

on applying social science to the legal standards for eyewitness identification.

**Victoria Shilton** graduated from Temple Law School in 1993. She began her career with the Camden County Prosecutor's Office in March of 1994. During her tenure as an assistant prosecutor, she has completed rotations in Motions, Juvenile, Grand Jury, and Trial Team, and has tried over one hundred felony jury trials. She was one of two Camden County Assistant Prosecutors selected to supervise investigations conducted by the Governor's Anti-Crime Partnership Task Force in the city of Camden from 2007 to 2009. Currently, she is the Section Chief of the Major Crimes Unit, consisting of three prosecutors, two arson investigators and six detectives. In addition, Ms. Shilton is one of three primary legal advisors for the police departments in Camden County's thirty-seven municipalities.

She regularly lectures at the Camden County Police Academy and has been a guest lecturer at the Attorney General's Institute of Advocacy program for new prosecutors. Additionally, she has been an invited faculty member for several week long Introductory Trial Advocacy courses at the joint Federal and State National Advocacy Center at the National College of District of Attorneys in Columbia, South Carolina. In January of 2011 she was honored to present a guest lecture on the Art of Direct Examination to the Honorable Anne E. Thompson, American Inn of Court.

In 2009, Ms. Shilton was awarded a Prosecutor's Service Award for her work supervising a five month long wiretap investigation which culminated in the arrest of twenty-three individuals, seizure of over one-hundred thousand dollars in cash and effectively dismantled one of the major large scale narcotics trafficking organizations in Camden City. In October of 2010, the Camden County Fire Marshall honored her with the "Edward Garrity" award for services in the investigation and prosecution of arson cases in Camden County.

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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).

### **EXPERT WITNESSES (10:45 a.m. - 12:00 p.m.)**

All aspects of the use of expert witnesses at trial are discussed in this presentation. Subjects covered include, relevant Evidence Rules and case law; circumstances under which the trial lawyer will need an expert; how to select an expert; preparation of expert reports; discovery considerations; out of court expert testimony preparation, proper procedures for qualifying the expert at trial, and how properly conduct direct and cross examination of expert witnesses.

**AAG Anthony Zarrillo** is currently an Assistant Attorney General assigned to the Attorney General's Advocacy Institute. Prior to his current position he was an AAG with the Division of Gaming Enforcement. Before joining the Division of Gaming Enforcement he was the Executive Director of the New Jersey Office of Counter-Terrorism and served as Deputy Director of the Division of Criminal Justice in charge of investigations where he oversaw approximately 75 DAsG and 200+ investigators. Prior to joining the Department of Law and Public Safety, he ran a law firm in Cherry Hill for 17 years where he specialized in criminal defense work. He also served as Deputy Chief of the homicide unit in the Camden County Prosecutors Office in the late 1970s. AAG Zarrillo has tried approximately 200 jury trials in New Jersey and in federal courts in New Jersey, Pennsylvania, New York City, Baltimore and Wilmington, Delaware. Most of these were criminal cases either as a prosecutor or defense attorney. His trial experience includes trying approximately 20 homicides as a prosecutor and as lead prosecutor in a 57 defendant criminal anti-trust conspiracy trial. He has tried several dozen administrative cases as well. AAG Zarrillo has taught Trial Advocacy at Rutgers Camden Law School since 2005. He is also a grader for the New Jersey Bar Exam and has been for 20 years.

**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 1.5 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, up to 1.5 qualify as hours of credit toward certification in criminal trial law, and up to 1.5 qualify as hours towards newly admitted/criminal trial preparation.

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

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

### **LUNCH (12:00 p.m.-1:00 p.m.)**

### **GRAND JURY ISSUES (1:00 p.m. - 2:00 p.m.)**

An in-depth review of Grand Jury practice is covered in this presentation. Subjects discussed include: the function of the grand jury, preliminary matters, the Brooke Murphy process, presentation of testimony, tactical considerations and when to present exculpatory evidence pursuant to the Supreme Court holding in *State v. Hogan*. Charging the grand jury properly is discussed as well.

**AP Lewis Korngut** is the Chief of Homicide at the Mercer County Prosecutor's Office. He previously served as the Chief of Corruption at the Division of Criminal Justice where he held various positions since 1998. Before joining the Division, he served as an Assistant Prosecutor in the Mercer County Prosecutor's Office where he prosecuted capital cases, including *State v. Timmendequas*, and he supervised the Rape and Child Abuse Unit.



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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).

### **PLEA NEGOTIATIONS (2:15 p.m. - 3:45 p.m.)**

Legal obligations of prosecutors in plea negotiations are covered in this lecture. Subjects addressed include: initial considerations at the start of plea discussions; relevant RPCs; dealing with unrepresented individuals, considerations with cooperating witnesses; and the importance of candor with the tribunal and adversaries.

**Assistant Prosecutor Mark Westfall** is the supervising attorney of Trial Unit of the Burlington County Prosecutor's Office. He is a graduate of Seton Hall University and Widener University School of Law. He has been employed as an Assistant Burlington County Prosecutor since May of 1996 and has served in the Appellate Unit, Grand Jury Unit and Trial Unit. In 2002, Mark assumed supervisory responsibility for the Trial Unit and has served in that capacity to date. Mark has tried cases involving an array of charges, including murder, aggravated manslaughter, carjacking, kidnapping, sexual assault, armed robbery and various narcotics offenses.

**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, up to 1.8 qualify as hours of credit toward certification in criminal trial law, and up to 1.8 qualify as hours of credit towards newly admitted/criminal trial preparation.

**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).