



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

2014 BASIC CIVIL AND ADMINISTRATIVE PRACTICE COURSE

September 22 & 23, 2014

8:30 a.m. to 4:00 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 intensive two-day presentation series is the first phase of an integrated series of courses designed for newly hired deputy attorneys general and volunteer attorneys within the Division of Law. Among the topics addressed during Day One of this session will be appellate practice, the Open Public Records Act, client services; and legal writing and motion practice. Day Two will address propounding and responding to written discovery, administrative law overview and practice, transactional issues when dealing with state entities and financial matters: budget and borrowing.

Who Should Attend?

This program is intended for newly hired deputy attorneys general hired 2013 or after and volunteer attorneys within the Division of Law, other deputies are welcome to attend space permitting. Please do not attempt to register for this program if you are not within the Division of Law.

Who Is the Faculty?

Please see attached list.

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 12.3 hours of total CLE credit. Of these, up to 1.8 qualify as hours of credit for ethics/professionalism. Moreover, certain of these presentations may qualify to satisfy the attendees' *Bridge the Gap* obligations.

NY CLE Credit: up to 10.5 substantive and 1.5 ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: up to 8.5 substantive and 1.5 ethics credits (\$15.00 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 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

DAY ONE: SEPTEMBER 22, 2014

8:30 a.m. to 9:00 a.m. REGISTRATION

9:00 a.m. to 9:15 a.m. WELCOME

CLIENT SERVICES AND THE RPC'S (9:15 a.m. TO 10:45 a.m.)

Client services are an integral part of the practice of law. To a large degree your success as an attorney is linked to how well you can meet the needs of your client and at the same time adhere to the Rules of Professional Conduct. This program covers issues relating to responsiveness to the client, responsibilities to clients, and Rules of Professional Conduct. In addition, this program will discuss time keeping practices designed to better assist the Deputy and the client.

AAG John Bender has been with the Division of Law for over 32 years. He is currently Counsel to the Director, AAG in Charge of Administrative Agency Advice, Ethics Liaison Officer and Legislative Liaison for the Division of Law. He previously held the positions of Deputy Director and head of the Administrative Practice Group (Trenton). He counsels state agencies on OPMA questions and, along with AAG Fischer, budget/appropriations questions. AAG Bender has also represented the Domestic Security Task Force, the Office of Homeland Security and Preparedness and heads the Division of Law On-Call Program.

AAG Michelle Miller has been with the Division of Law since 1995 and currently serves as Deputy Director of the Division of Law as well as the AAG in Charge of the Administrative Practice Group. Prior to that she was the Section Chief of the Education and Higher Education Section and also served as an Assistant Section Chief of the Education, Health and Human Services section. She has handled numerous appellate and Supreme Court matters, as well as administrative and Superior Court matters for a variety of State agencies. She received a Bachelor of Arts in 1991 from Fairleigh Dickinson University and a Juris Doctor in 1994 from Seton Hall Law School. Prior to beginning her service at the Division of Law, Michelle clerked for the Hon. Erminie Lane Conley, J.A.D.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.8 hours of total CLE credit. Of these, 1.8 qualify as hours of credit for ethics/professionalism.

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

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

10:45 a.m. to 11:00 a.m. BREAK

OPEN PUBLIC RECORDS ACT OVERVIEW (11:00 a.m. to 12:15 p.m.)

All deputy attorneys general need to be familiar with the Open Public Records Act (OPRA), which generates many legal issues and affects all public employees. This presentation will provide an overview of OPRA's requirements and procedures, and will summarize the primary legal issues that arise under the Act.

AAG 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 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 1.5 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

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).

12:15 p.m. to 1:15 p.m. LUNCH (ON YOUR OWN)

APPELLATE PRACTICE (1:15 p.m. to 2:30 p.m.)

This presentation on state appellate practice provides an overview of the court rules governing civil appeals in the Superior Court of New Jersey, Appellate Division and the Supreme Court of New Jersey, with particular emphasis upon appeals from state agency decisions. This presentation will provide an overview and practice points regarding civil motion practice in the appellate courts, emergent and interlocutory appeals, as well as adjudicative and rulemaking appeals. This presentation will provide an overview of Division of Law appellate policies and a survey of key court rules governing our practice before the Appellate Division and the Supreme Court of New Jersey.

AAG Melissa Raksa is the Assistant Attorney General in Charge of Appeals for the Division of Law, having been appointed an AAG for Appeals in 2008. During her career with the Division, she has served as a DAG in the Banking & Insurance and Labor, Personnel & Community Affairs Sections, Lead DAG in the Insurance Fraud Unit, and Assistant Section Chief and then Section Chief of the Health and Human Services Section. She began her career with the Division of Law in 1995, following an Appellate Division clerkship.

AAG Andrea Silkowitz clerked during the summer and fall of 1975 for the Division of Law and joined the Division as a Law Assistant in September 1976. She was appointed a Deputy Attorney General in December 1976. In 1981, Andrea assumed the position of Deputy Attorney General in Charge of Appeals in Trenton and in late 1982, transferred to the Newark office,

where she has continued to supervise appeals. In July 1987, she was appointed as an Assistant Attorney General. Andrea has argued numerous appeals before the Supreme Court of New Jersey, the Appellate Division, and the Third Circuit.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

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).

2:30 p.m. to 2:45 p.m. BREAK

LEGAL WRITING AND PRETRIAL MOTION PRACTICE (2:45 p.m. to 4:00 p.m.)

This presentation will provide attendees with a primer on motion practice in the New Jersey state and federal courts and will include a summary of the essential court rules governing motion practice. The fundamentals of sound brief writing will also be covered. This presentation also includes instruction on the theories and techniques for good oral argument before a tribunal.

AAG Kevin Jespersen is currently the Assistant Attorney General in Charge of the Affirmative Civil Enforcement Practice 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.

AAG Robert Lougy has served as Deputy Director of the Division of Law since 2011. In that capacity, he has been involved in appellate practice in the Appellate Division, the Supreme Court of New Jersey, and the Court of Appeals of the United States for the Third Circuit. He joined the Department of Law and Public Safety in 2006 and the Division of Law in 2009.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism and 1.5 qualify as hours of credit toward newly admitted/civil 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).

DAY TWO: SEPTEMBER 23, 2014

8:30 a.m. to 9:00 a.m. REGISTRATION

**PROPOUNDING AND RESPONDING TO WRITTEN DISCOVERY
(9:00 a.m. to 10:15 a.m.)**

Propounding and responding to discovery does not have to be a painful obligation. Instead it can be a critically useful tool which can form the contours of the case to fit your client's position. This presentation will address the process by which to develop a written discovery plan, the development of a written discovery plan, drafting written discovery so as to execute the written discovery plan and analyzing responses to your written discovery. In addition, this presentation will discuss the techniques and approaches that will best help you when drafting discovery responses.

DAG Joseph M. Micheletti is the Assistant Section Chief of the Corrections Unit, Division of Law. In this capacity he supervises line deputies and directs the defense of civil rights litigations brought against the Department of Corrections and its employees. Prior to becoming Assistant Section Chief of the Corrections Unit, he worked with the Employment Litigation Section of Division of Law wherein he provided representation to state agencies and employees in complex employment litigation matters in state and federal court. He received a B.S. in Management in 1990 from The Pennsylvania State University and a J.D. from Seton Hall University School of Law in 1994. He served as a Barrister with the Mercer County Inn-of-Court from 2005 to 2009 and is currently a faculty member for NAGTRI.

AAG Michael C. Walters is the Assistant-Attorney General in Charge of Litigation. He was the Section Chief of the Education & Higher Education Section, Division of Law until early September 2012. In this capacity, he supervised the coordination and development of litigation strategy for representation of the New Jersey Department of Education and New Jersey colleges and universities. He was responsible for a variety of complex cases involving federal and state constitutional issues, civil rights, the IDEA, the Rehabilitation Act, the ADA and the NJLAD. AAG Walters was responsible for multiple federal class action lawsuits relating to such issues. He has provided legal analysis on proposed legislation related to Education law and legal advice to the New Jersey Department of Education on a variety of issues including special education and school funding. AAG Walters advised the New Jersey State Board of Examiners on issues related to the insurance and revocation of teaching certificates. He has briefed and argued several cases involving a wide range of issues before the United States District Court for the District of New Jersey, the New Jersey Appellate Division and the Third Circuit Court of Appeals. AAG Walters has also handled numerous *Abbott v. Burke* supplemental funding appeals from the administrative hearing through subsequent appeals. He began his career as a law clerk for The Honorable Myron H. Gottlieb, J.S.C and graduated from Rutgers School Law in 1998.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism and 1.5 qualify as hours of credit toward newly admitted/civil 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).

10:15 a.m. to 10:30 a.m. BREAK

ADMINISTRATIVE LAW OVERVIEW AND PRACTICE (10:30 a.m. to 11:45 a.m.)

This presentation will address the practice of law in the administrative arena and its differences from and similarities to practice in the Superior Court. Administrative procedure, rules, hearings and post-hearing events will all be discussed - with examples that will clarify and highlight common stumbling blocks. This presentation is designed for the newly admitted attorney or those new to administrative practice.

DAG David M. Puteska joined the Division of Law in 1998 after clerking for Hon. Mark M. Russello in the Superior Court, Criminal Division and spending two years in private practice. During more than fifteen years at the Division of Law he has litigated matters on behalf of the Office of Consumer Protection, Bureau of Securities and multiple state professional boards. David has served as the Assistant Section Chief of the Professional Boards Prosecution Section since 2009. David has litigated and tried numerous matters in Superior Court and before the Office of Administrative Law. During most of 2012, David served as the Acting Deputy Director of the New Jersey Division of Consumer Affairs where he was responsible for supervising staff members who service the State's more than sixty professional boards which license more than 200,000 professionals.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

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).

11:45 a.m. to 12:45 p.m. LUNCH (ON YOUR OWN)

**TRANSACTIONAL ISSUES WHEN DEALING WITH STATE ENTITIES
(12:45 p.m. to 2:00 p.m.)**

This presentation will offer the attendees a framework to use when asked to review, draft or revise a contract for the public entity-client or review or draft a memorandum of understanding. This presentation will also discuss the New Jersey Contractual Liability Act, N.J.S.A. 59:13-1, et seq. ("CLA"). The CLA sets requirements and limitations for the assertion of contractual claims against most (but not all) of the State's departments, agencies and authorities. This presentation would be acceptable to attorneys of any experience level, including newer attorneys.

DAG Philip J. Espinosa is a 1988 graduate of Rutgers University (Camden) School of Law, where he served as a staff member and as the managing editor of the Rutgers Law Journal. DAG Espinosa then served as an Appellate Division law clerk for the Honorable Michael Patrick King, P.J.A.D. Following his clerkship, DAG Espinosa served in private practice handling primarily professional negligence defense cases, and then, as an in-house counsel for State Farm Insurance Co. DAG Espinosa joined the Division of Law in 2000 and, in 2008, was promoted to serve as an Assistant Chief in the Transportation, Construction and Condemnation Section. From September 2011 to August 2012, DAG Espinosa served as the Acting Director of Law for the New Jersey Turnpike Authority. In March 2013, DAG Espinosa was promoted to serve as the Chief of the Transportation, Construction and Condemnation Section. In addition, DAG Espinosa serves as the Attorney General's designee on the Supreme Court Civil Practice Committee. He also coordinates the Division of Law's intern program for the Trenton and Voorhees offices.

AAG Beth Leigh Mitchell has been with the Division of Law since 1998 and the Financial Practice Group handling State contracting matters since 2008. Prior to that she was an Assistant Section Chief in the HHS section, where she handled contract matters, federal litigation and administrative and appellate matters for a variety of State agencies. She received a Bachelor of Fine Arts in Graphic Design in 1990 from Rhode Island School of Design and a Juris Doctor in 1997 from Rutgers University School of Law, Newark, NJ.

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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).

2:00 p.m. to 2:15 p.m. BREAK

FINANCIAL MATTERS: BUDGET AND BORROWING (2:15 p.m. to 3:30 p.m.)

This presentation will provide an overview of the budget process in New Jersey. This presentation will also discuss the basics of bonds, notes, and other type other securities and financial instruments and the types of projects financed using such debt obligations. This presentation will cover the statutory regimes and case law that has developed in New Jersey as well as touch briefly upon the Securities and Exchange Commission and Internal Revenue Service rules that impact the issuance of bonds.

AAG Susan K. Fischer has twenty-five years of experience as a transactional attorney practicing in governmental, banking and private practice settings. She has been an attorney in the Division of Law since 1994. She began as a deputy in the Treasury Section, became Section Chief of the Treasury Section in 2000, an Assistant Attorney General in the Financial Affairs Practice Group in 2008 and then in Charge of the Financial Affairs Practice Group in October 2010. AAG Fischer began her legal career as a public finance attorney at Riker Danzig Scherer

Hyland and Perretti, and then joined Orloff Lowenback Stifelman and Siegel as an associate in their corporate department. From there, AAG Fischer was counsel in the secured lending division at First Fidelity Bancorporation, Senior Counsel at the Office of Thrift Supervision in the U.S. Department of the Treasury, and senior counsel at United Jersey Bank. AAG Fischer received her B.A. with a major in government from Barnard College, New York City, and her J.D. from Rutgers Law School, Newark, New Jersey. Currently, AAG Fischer's primary focus is providing advice to the State Treasurer, the Governor's office and various independent authorities concerning State budget and debt issues.

AAG Kavin Mistry has been with the Division of Law for over 12 years, serving most recently as an Assistant Section Chief in the former Treasury Section (now known as the Pensions & Financial Transactions Section). He counsels the State and State agencies on public finance matters and represents the State and State agencies as issuer's counsel on bond and note financings. AAG Mistry also assists AAG Fischer on budget/appropriations questions. AAG Mistry also represents the New Jersey Housing and Mortgage Finance Agency, the New Jersey Building Authority and the New Jersey Public Broadcasting Authority.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

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).

3:30 p.m. to 4:00 p.m. WRAP-UP