



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

ETHICAL RESPONSIBILITIES IN PRESERVING, IDENTIFYING AND COLLECTING DATA WITH THE DEPARTMENT OF TRANSPORTATION

**December 23, 2014
10:00 a.m.-12:20 p.m.
Department of Transportation
David J. Goldberg Transportation Complex
Multi-Purpose Room
1035 Parkway Avenue
West Trenton, New Jersey**

Program Summary

In the response to electronic discovery age, the Federal Rules of Civil Procedure will officially be amended to address electronic discovery concerns in 2015. In 2013, the ABA Model Rules of Professional Conduct were amended to apply to electronic discovery by requiring an attorney to be technologically compliant in order to assess the client and communicate with the court. No longer can an attorney be complacent in evaluating where relevant evidence exists at a client. The attorney must be engaged and involved in the preservation, identification, and collection of all relevant data regardless of its format. In doing so, an attorney must coordinate with the state agency that counsel represents and be an active participant in ensuring compliance. This course will delineate the changes in the Federal Rules of Civil Procedure and the already effected change in the ABA Model Rules. The course will explore the extent that an attorney must become knowledgeable about technology in order to adequately represent a client while complying with the RPC's. The interaction between the change in the RPC's and the consequences for active discovery with a client, litigation holds, and preservation of evidence will be explored.

In order to exemplify the ethical obligations and their ramifications in a case study format, the Department of Transportation's projected amendments to its litigation hold process, interaction with third parties agencies such as the Department of Treasury's Office of Information Technology, and where to find all relevant evidence at DOT will be explored. The second part of this presentation is designed to be interactive with identifying actual DOT case studies and possible internal solutions. Finally, the course will explore hypotheticals in light of the changes in an attorney's ethical obligations of electronic discovery and how these obligations can strengthen the attorney client relationship and better streamline the discovery process.

Who Should Attend?

This course is for Attorneys in the Transportation, Construction and Condemnation Section of the Division of Law, Department of Law and Public Safety, and others who been invited to attend. Please do not register for this course if you are not one of the individuals invited to attend.

Who Is the Faculty?

Johanna Barba Jones has served as Inspector General of the New Jersey Department of Transportation since July 2012. In that role, she manages NJDOT's Internal Investigation Unit, Office of Internal Audit and the Records Management/Open Public Records Act (OPRA)/Ethics Unit. She is responsible for coordinating major investigations involving NJDOT assets and employees with federal, state and local law enforcement agencies as well as administrative bodies within NJDOT. Prior to joining NJDOT, Johanna served as Assistant Counsel to the Governor within the Authorities Unit. Johanna earlier spent a decade prosecuting criminal appeals of statewide significance before the New Jersey Supreme Court and Appellate Division, as Deputy Attorney General in the Appellate Bureau of the New Jersey Division of Criminal Justice. She represented the Attorney General on the New Jersey Supreme Court's Committee on Model Criminal Jury Charges. Johanna began her legal career as Law Clerk to the Honorable Peter J. Giovine, J.S.C. (ret.), presiding criminal judge of the Ocean County Superior Court.

DAG Nonee Lee Wagner has served with the Transportation Construction and Condemnation section since 2001. In 1998, Nonee was a paid legal intern with the TC&C Section. Prior to working for the Division of Law, Nonee was a Personnel & Labor Analyst with the Department of Personnel, Merit Systems Board. At the Division of Law, Nonee has litigation in every level of New Jersey Courts in a variety of issues including racial profiling, civil rights, employment, and condemnation. She successfully litigated the GEOD v. NJ Transit litigation with over a million pages of discovery in federal court. She also has several published federal decisions on electronic discovery and evidence from the Major Tours v. Calorel litigation. Nonee is a 2001 graduate of Temple University Beasley School of Law. Before entering law school, Nonee was a 1998 graduate of Harvard University with a Bachelor's Degree with Honors in Religion and History. Nonee is a member of the Division of Law's Electronic Discovery Task Force.

CLE Credit

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 2.4 hours of total CLE credit. Of these, 1.20 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 1.0 Substantive credits and 1.0 Ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 1.0 Substantive credits and 1.0 ethics 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 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.