



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

COMMUNICATIONS WITH REPRESENTED PERSONS: *R.P.C. 4.2* IN THE CRIMINAL CONTEXT

May 27, 2015

10:00 a.m.-12:00 p.m.

NJ Forensic Science & Technology Center

1200 Negron Drive

Hamilton, New Jersey

Program Summary

Rule of Professional Conduct 4.2 prohibits an attorney from communicating about a matter with a person who the attorney knows, or by the exercise of reasonable diligence should know, is represented by counsel in the matter. This seminar will focus on identifying the issues and legal principles that arise from the application of *R.P.C. 4.2* by government attorneys, particularly in the context of investigating and prosecuting a criminal matter. Among the issues to be addressed will be: What does *R.P.C. 4.2* prohibit? How does an attorney evaluate whether a person should be deemed to be represented when they are part of an organization known to be represented? When is there a “matter” as defined in *R.P.C. 4.2*? Are *ex parte* communications with represented persons ever authorized, particularly if the attorney believes that a crime may be ongoing?

Who Should Attend?

This program is open to all government attorneys, space allowing.

Who Is the Faculty?

DAG Anthony A. Picione is with the Division of Criminal Justice and the Chief in the Division's Corruption Bureau. Mr. Picione's practice concentrates largely on white collar crime, particularly offenses involving public officials and public funds. Mr. Picione received his J.D. cum laude from the University of Pennsylvania Law School in 1995 and received his B.A. magna cum laude from Drew University in 1992. Prior to joining the Division in 1999, Mr. Picione was associated with the law firm of Pitney, Hardin, Kipp & Szuch.

CLE Credit

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 2.0 hours of total CLE credit. Of these, 2.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 2.0 ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 1.5 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.