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*The Advocacy Institute Is Pleased to Announce*

## **PROGRAM ANNOUNCEMENT**

### **2015 BASIC PROSECUTOR'S COURSE**

**September 17 & 18, 2015**

**8:30 a.m. - 4:30 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 part of an integrated curriculum designed for new assistant prosecutors and deputy attorneys general, which culminates with an intensive four-day trial advocacy program. Amongst other topics addressed during this session will be: dealing with expert witnesses, trial ethics and persuasive motion practice issues. *Please see the attached schedule for more detail.*

#### ***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.** Please 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 12.2 hours of total CLE credit. Of these, 2.4 qualify as hours of credit for ethics/professionalism, up to 12.2 qualify as hours of credit toward certification in criminal trial law and up to 9.8 qualify as hours of credit towards newly admitted/criminal trial preparation.

**NY CLE Credit:** up to 10.0 substantive credits and 1.0 ethics credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** up to 8.5 substantive credits and 1.0 ethics credits (*one check per course*)

### *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 17, 2015

### **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 and 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 eleven 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 program 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 New Jersey, the New Jersey 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 will be included.

**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 eleven 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 program 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.

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

### **GRAND JURY ISSUES (12:00 p.m. – 1:00 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. The presenter will also discuss how to charge the grand jury properly.

**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 also 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).

**LUNCH 1:00 p.m. – 2:00 p.m.**

**NARCOTICS ISSUES (2:00 p.m. – 3:00 p.m.)**

This presentation will cover the highlights of the drug offenses in 2C:35-1 and 2C:36-1 et seq. It will also address dealing with informants. Other topics covered include C.D.S. expert testimony, preparation of their reports as well as the relevant case law.

**Assistant Prosecutor Brian Stack** has been with Somerset County for 15 years and has run the SCPO OCNTF for the past 9 years. He is also a trial team leader and the legal advisor to the SCPO computer crimes unit and the SCPO SCERT Team. AP Stack served as an instructor at the SC Police Academy and the DEA school in the following areas: CDS, Expert Testimony, Computer Crimes, Stop & Frisk, Search & Seizure, and ground fighting. Before becoming an assistant prosecutor, he was a litigation associate with Cooper, Rose & English in Summit for a year, and he clerked for the Hon. Kenneth C. MacKenzie, P.J.Ch. in Morristown, in the equity clerkship.

**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 qualifies as hours of credit for ethics/professionalism and up to 1.2 qualify as hours of credit toward certification in criminal trial law.

**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).

**TRIAL ETHICS (3:15 p.m. – 4:15 p.m.)**

The Rules of Professional Conduct pertaining to trial conduct of prosecutors and defense counsel constitute the subject matter covered in this presentation. The presenter will additionally discuss pertinent RPCs and case law and will include a discussion of ethically proper conduct during grand jury presentations.

**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 Prosecutor's 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, Maryland 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 1.2 hours of total CLE credit. Of these 1.2 qualify as hours of credit for ethics/professionalism.

**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).

### **SEPTEMBER 18, 2015**

#### **PROFESSIONALISM IN THE PRACTICE OF LAW (9:00 a.m. – 10:00 a.m.)**

This course is an examination of the sometimes difficult balance between zealous advocacy and professionalism. The course is designed to assist attorneys as they make daily decisions that impact not only the matters they handle as part of their legal practice but also their reputations in the legal community. The presenter will also address the manner in which attorneys should deal with adversaries, members of the Judiciary, the public and other individuals who comprise the justice system.

**Assistant Prosecutor Thaddeus Drummond** is the Supervising Attorney in charge of both the Special Investigations Unit (SIU) and the Collision Analysis and Reconstruction (CAR) Unit of the Burlington County Prosecutor's Office. He is a 1989 graduate of Saint Joseph's University where he earned an undergraduate degree in Accounting. In 1992, he graduated from Temple University School of Law. He has been an Assistant Burlington County Prosecutor since September, 1993, and during that time has been assigned to several units within the prosecutor's office including Motions and Appeals, Case Screening and Trial Team before assuming responsibility for the CAR Unit in 2001. As the CAR Unit Supervisor, Tad is responsible for reviewing all fatal and serious motor vehicle crashes that occur in Burlington County to determine if criminal prosecution is warranted, and overseeing the investigation and prosecution of all vehicular homicide and assault by auto cases in Burlington County. As SIU supervisor, he handles internal affairs matters as well as confidential investigations pertaining to official corruption, allegations of police misconduct and police involved shootings. Tad is also responsible for investigations pertaining to violations of the Open Public Meetings Act. Tad is also actively involved in the Conducted Energy Device (CED) program in Burlington County

and is responsible for reviewing all CED discharges with in the County in accordance with the Attorney General's Revised CED Policy. During his career with the Burlington County Prosecutor's Office, he has tried many cases involving an array of charges including murder/aggravated manslaughter, vehicular homicide, vehicular assault, sexual assault, robbery and various narcotics offenses. Tad is also an instructor with the Attorney General's Advocacy Institute.

**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, 1.2 qualifies 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 (\$1.50 mandatory registration fee required).

### **COMPLYING WITH THE STATE'S DISCOVERY OBLIGATIONS (10:15 a.m. – 11:30 a.m.)**

This presentation will provide an overview of the constitutional and Court Rule based discovery obligations on the State, at both the pre-indictment and post-indictment stages. It will also include a review of the new discovery rule changes, effective January 1, 2013.

**Christopher S. Romanyshyn** is an Assistant Attorney General and Deputy Director with the New Jersey Division of Criminal Justice. AAG Romanyshyn joined the Division in January 1999 and has served as a Deputy Attorney General in the Labor Prosecutions Bureau (1 year) and the Gangs & Organized Crime Bureau (13 years), where he also served as Deputy Chief and Chief of that unit. SDAG Romanyshyn currently supervises the Gangs & Organized Crime Bureau which investigates and prosecutes traditional and non-traditional organized criminal groups engaged in a variety of inter-related criminal activities, including racketeering, narcotics trafficking and weapons offenses and the Specialized Crimes Bureau, which includes the Atlantic City Task Force, MVC and Labor Prosecutions Units, and Cargo Theft. AAG Romanyshyn also serves as the Attorney General's Electronic Surveillance counsel and has extensive experience in electronic surveillance matters.

Prior to joining the Division, Mr. Romanyshyn practiced civil litigation with the law firm of Keenan, Powers & Andrews, P.C. in New York City and Morristown, New Jersey, from 1995 through 1998, specializing in insurance defense litigation. Mr. Romanyshyn holds a B.A. degree in History with a second major in Political Science from Fairfield University, Fairfield, Connecticut, and a Juris Doctor from Seton Hall University School of Law. He is admitted to the bar in New Jersey, New York and the District of Columbia.

**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 qualifies as hours of credit for ethics/professionalism and up to 1.5 qualify as hours of credit toward certification in criminal trial law and 1.5 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:** 1.0 substantive (\$1.50 mandatory registration fee required).

**LUNCH (11:30 a.m. -1:00 p.m.)**

**CRIMINAL CODE ISSUES (1:00 p.m. – 3:00 p.m.)**

This topic is quite broad and vague. With that in mind, the philosophy behind the presentation is not to teach the students the criminal code, but how to analyze cases, whether it be at the investigatory stage, the charging stage, or the trial stage. By utilizing the hypothetical cases, the goal is that the students learn to spot issues and how to deal with them. During the review, the presenter will change certain facts to see how their analysis changes. He will also provide the students with real life examples that he has faced in his 28 years as a prosecutor. The presentation is not a lecture, rather an interactive seminar.

**Assistant Prosecutor Robert Hawkes** has been with the Somerset County Prosecutor's Office since June, 1998. Prior to that , he served for almost 11 years with the New York County District Attorney's Office. When he left the Manhattan DA's office, he was a Deputy Bureau Chief in one of the Narcotics Units Trial Division. While with the Somerset County Prosecutor's Office, AP Hawkes has served as the Legal Advisor to the Somerset County Prosecutor's Office Organized Crime and Narcotics Task Force. He has taught for the Advocacy Institute for several years, including this and the Trial Advocacy Program. AP Hawkes also has lectured at the New Jersey State Police Academy and the Somerset County Police Academy. He currently serves as a senior trial attorney in the Litigation Unit handling a variety of different cases and is the Chief Legal Advisor to the Major Crimes Unit. He received his J.D. from Fordham University School of Law in 1987 and B.A. in Classics and Political Science from Duquesne University in 1984.

**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 qualifies as hours of credit for ethics/professionalism and up to 2.0 qualify as hours of credit toward certification in criminal trial law and 2.0 qualify as hours of credit towards newly admitted/criminal trial preparation.

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

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



## **EXPERT WITNESSES (3:15 p.m. – 4:30 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 to 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 Prosecutor's 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, Maryland 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.

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