



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

2015 DIVISION OF CONSUMER AFFAIRS IN-SERVICE

**October 16, 2015
10:00 a.m. to 3:30 p.m.
124 Halsey Street
Monmouth Conference Rm., 7th Floor
Newark, New Jersey**

Program Summary

This is an in-service program intended for members of the Division of Consumer Affairs. The program will include three presentations, which will cover various substantive and ethics topics, the summaries for which are attached to this announcement.

Who Should Attend?

This program is intended for members of the Division of Consumer Affairs, and those Division of Law staff designated as being eligible to attend. Please do not attempt to register for this program if you are not a member of the Division of Consumer Affairs, or have not been otherwise designated as being eligible to attend.

Who Is the Faculty?

See attached.

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 up to 4.7 hours of total CLE credit. Of these, up to 1.5 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: up to 3.0 substantive and up to 1.5 ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: up to 2.5 substantive and up to 1.0 ethics credits (\$1.50 per credit mandatory registration fee required).

How Do I Register?

State Employees

Most State employees are able to register for this course by going to <http://reg2.dcj.lps.state.nj.us/lpcreg/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://reg2.dcj.lps.state.nj.us/lpcreg/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://reg2.dcj.lps.state.nj.us/lpcreg/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

THE HISTORY OF THE 1947 CONSTITUTION OF NEW JERSEY (10:00 a.m. to 12:00 p.m.)

This seminar will offer a brief introduction to the Constitutions of 1776 and 1844 followed by a critique of the problems with the Constitution of 1844; particularly the problems with the judicial system leading to the desire for a new constitution. The battle between Mayor Hague and Chief Justice Vanderbilt will be discussed as well as the victory of Hague in stopping the adoption of what was to become the Constitution of 1944. Professor Wefing will additionally highlight the political changes that occurred with the selection of Driscoll for Governor, leading to the compromise with Hague and the success of the 1947 Constitution. This seminar will furthermore emphasize the changes the new Constitution brought forth with emphasis on the additional powers of the Governor and the totally new judicial system. These include a strong Chief Justice as well as the benefits of the appointment system over the election system. The presenter will discuss the decisions dealing with the court's ability to appoint replacements when there is a vacancy, and the constitutionality of the laws permitting the increase in the judge's contributions to pensions and health care.

John B. Wefing has been a Professor of Law at Seton Hall University School of Law for the past 45 years. He has taught numerous courses including courses dealing with the New Jersey Constitution and the New Jersey Court System and has written many law review articles. During his tenure at Seton Hall, he has served as Associate Dean and Acting Dean. Professor Wefing has received many awards including: the Young Lawyer of the Year from the New Jersey State Bar Association, the McQuade Medal presented for outstanding contributions to Seton Hall University and the Thomas More Medal for his devotion to the law and the Catholic Church. He was twice selected as "Professor of the Year" by the student body. In 2012, he was selected "Teacher of the Year" by the New Jersey Academic Studies Alliance. Professor Wefing has been appointed by governors of New Jersey to state commissions. Additionally, he was inducted into the Hall of Fame of Mount Saint Dominic Academy for his work on its board. He is "of counsel" to the firm of Waters McPherson McNeill in Secaucus, N.J. A graduate of St. Peter's Prep and College, he received his law degree from Catholic University and holds a Master's degree in law from New York University.

NJ CLE Credit: This program had 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 qualify as hours of credit for ethics/professionalism.

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

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

LUNCH 12:00 p.m. to 1:00 p.m.

**EXPERT TESTIMONY: SELECTION AND USE OF EXPERTS IN A BOARD OF
MEDICAL EXAMINERS' CASE
(1:00 p.m. to 2:00 p.m.)**

This presentation will provide an overview as to the reasons for utilizing expert testimony, tips for selecting the right expert for a case, discovery issues, and trial preparation with the expert. The presentation will also discuss retaining and preparing an expert for testimony with a focus on matters before the Board of Medical Examiners.

DAG Meaghan Goulding is with the New Jersey Office of the Attorney General, Division of Law. Meaghan joined the Division in October 2006 as member of the DCF-Essex Section. In August 2011, she transferred to the Professional Boards Prosecution Section. The Professional Boards Prosecution Section is responsible for investigating and prosecuting professional board matters. Prior to joining the DOL in 2006, she clerked for the Honorable Bernadette DeCastro, Family Division, Hudson County. Meaghan graduated from Rutgers in 2002 and received her J.D. from Seton Hall Law School in 2009.

DAG Bindi Merchant is with the Division of Law in the Professional Boards Prosecution Section. Her practice focuses primarily on prosecuting health care professionals and providers before their licensing boards and the Office of Administrative Law. She has successfully prosecuted cases involving federal anti-kickback statutes, impairment, and indiscriminate controlled drug prescribing cases before the BME. She has also developed a particular specialty in the Board regulations as it pertains to the single Ambulatory Surgical Centers (“ASCs”) and has successfully argued before the Appellate Division advocating for the BME. Prior to joining the State in 2008, she clerked for the Honorable Shirley A. Tolentino, Civil Division, Hudson County. DAG Merchant is a graduate of Rutgers University and Seton Hall Law School, with a concentration in Health Law.

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 qualify 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 credits (\$1.50 mandatory registration fee required).

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

PROFESSIONALISM IN DEALING WITH ATTORNEYS AND NON-ATTORNEYS
(2:15 p.m. to 3:30 p.m.)

The demands of litigation are seemingly never ending. Despite the pressures of these demands, attorneys are both ethically and professionally obligated to treat members of the Bar and others with whom they deal with courtesy and respect, while effectively representing their clients. This very engaging and thought-provoking presentation will focus on the RPCs and what is expected of attorneys in terms of civility and professionalism when appearing before the courts of this state, as well as other proceedings. This presentation will further discuss strategies for dealing with attorneys and non-attorneys in those difficult situations where others may be acting in a confrontational or inappropriate manner.

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 had 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, 1.5 qualify as hours of credit for ethics/professionalism.

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

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