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*The Advocacy Institute Is Pleased to Announce*

## **PROGRAM ANNOUNCEMENT**

### **2016 DIVISION OF LAW IN-SERVICE**

**JULY 21, 2016**

**9:00 a.m. to 4:00 p.m.**

**Monmouth University**

**400 Cedar Avenue, Pollak Theatre**

**West Long Branch, NJ 07764-1898**

### **PLEASE READ: NOTICE REGARDING COURSE MATERIALS**

All materials for New Jersey Attorney General's Advocacy Institute continuing legal education courses are now available electronically through the Advocacy Institute website: [www.njadvocacyinstitute.com](http://www.njadvocacyinstitute.com). Materials will be posted to the website approximately one week before the course date.

The institute will no longer provide paper copies of course materials. This policy is effective immediately and is within the guidelines of the New Jersey Board of Continuing Legal Education and the Pennsylvania Continuing Legal Education Board. Please follow the procedure below to obtain course materials:

- Click on the Course Information tab.
- Select Course Materials from the drop-down menu.
- Click on the course that you are registered for. Courses are listed alphabetically by title.
- Most courses will have two files; a file containing class materials that you should bring to the session and a file with reference materials such as statutes, regulations and cases.
- Print the documents in the class materials file and bring them with you to the session.
- You have the option of printing the documents in the reference materials file or downloading them to a computer or mobile device.

### ***Program Summary***

This program is designed to provide instruction in subject areas that are pertinent to deputies in the Division of Law. Courses include brief writing, ethics and metadata, the legislative process, election law, hearsay and exceptions, executive branch ethics standards, orders to show cause and antitrust liability for multi-member regulatory boards.

### ***Who Should Attend?***

This in-service program is for Division of Law Deputies and others who have been invited to attend. Please do not attempt to register if you have not been notified of your eligibility to attend this program.

## *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 5.4 hours of total CLE credit. Of these, up to 2.7 qualify as hours of credit for ethics/professionalism.

**NY CLE Credit:** Up to 5.0 substantive credits and/or up to 2.5 ethics credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** Up to 4.5 substantive and/or up to 2.0 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](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://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

(Courses Listed Chronologically)

**9:30 a.m. to 10:45 a.m.**

## EFFECTIVE BRIEF WRITING

This presentation, taught by some of the most experienced and accomplished attorneys in New Jersey will provide invaluable insight on how practitioners can improve their legal brief writing. Attendees will learn the best way to structure a brief, common pitfalls to avoid, and ways to make their briefs better and more persuasive.

**Michelle L. Miller** was appointed Acting Director of the Division of Law effective July 13, 2015.

Miller joined the DOL in 1995 as a Deputy Attorney General in the then Education, Health & Human Services Section. She became an Assistant Section Chief of that section in 1999 and in 2003 was appointed Section Chief. While in the Education Section, Miller worked on many notable cases including *Abbott v. Burke*. Miller remained Section Chief until 2010, when she assumed the post of AAG in Charge of the Administrative Practice Group. In 2014, she was appointed as a Deputy Director of the Division of Law, as such, she continued to have significant involvement in the Administrative Practice Group and focused on the Division's administrative issues including hiring, training and other personnel matters, billing practices, and effective case management.

Prior to joining the DOL, Miller completed an Appellate Division clerkship with the Honorable Ermine Lane Conley. She received her law degree from Seton Hall University School of Law. She holds a Bachelor's Degree in English Language and Literature from Fairleigh Dickinson University where she graduated Summa Cum Laude.

**Edwin H. Stern**, completed his judicial career with a temporary assignment to the New Jersey Supreme Court, a position which he held until reaching mandatory retirement in June 2011. Before that, he was assigned to the Appellate Division of Superior Court from September 1985 to September 2010 and served as the Appellate Division's Presiding Judge for Administration from 2004 until his retirement. During his judicial career, Mr. Stern authored more than 3,600 written decisions and more than 400 published opinions.

Mr. Stern is of counsel to the Gibbons Law Firm, where he advises clients on the advisability of taking appeals from trial court and State administrative agency decisions; reviews briefs and papers filed in state and federal courts; and conducts moot courts for attorneys before they argue matters in court. He also conducts mediations and arbitrations and serves as a special hearing officer in attorney discipline cases. Mr. Stern is on the roster of arbitrators for the American Arbitration Association.

**Peter G. Verniero** served in senior positions within the executive and judicial branches of State government. Appointed by Governor Christine Todd Whitman as her chief counsel, Mr. Verniero served in that capacity from January 1994 to February 1995, when he became the governor's Chief of Staff. He remained in that position until July 1996, when he became Attorney General. As Attorney General, he personally argued cases before the New Jersey Supreme Court and the U.S. Court of Appeals for the Third Circuit. For example, in *E.B. v. Verniero*, 119 F.3d 1077 (3d Cir. 1997), he argued successfully in defense of Megan's Law, New Jersey's sexual-offender notification statute. At the time of the court's decision, it was the first federal appellate court ruling in the country upholding a state's version of Megan's Law.

Mr. Verniero was appointed to the Supreme Court of New Jersey in 1999. As an associate justice for a five-year period from September 1999 to August 2004, Mr. Verniero authored and signed 124 judicial opinions touching on a wide array of civil and criminal areas, including employment, corporate, and constitutional law. For instance, he authored the Court's opinion in *In re PSE & G Shareholder Litigation*, 173 N.J. 258 (2002), which articulated and applied a modified business judgment rule in upholding the dismissal of shareholder-derivative litigation. That opinion has been cited by numerous courts, including the U.S. Court of Appeals for the Second Circuit, the Court of Appeals for the State of California, and the Supreme Court of Minnesota. Other judicial opinions authored by Mr. Verniero have been cited by courts at different levels in Pennsylvania, Maryland, New Hampshire, Alabama, and Hawaii.

Mr. Verniero annotates and provides commentary to the *Rules Governing the Courts of the State of New Jersey*, a widely used reference guide for the legal profession published by Gann Law Books.

Mr. Verniero's essays on legal and public policy issues are widely published and have appeared in such publications as *The Wall Street Journal*, *The New York Times*, *The Star-Ledger of Newark*, *The Philadelphia Inquirer*, the *Investor's Business Daily*, the *New Jersey Law Journal*, and *The Metropolitan Corporate Counsel*. He is the recipient of numerous honors and awards, including, most recently in 2014, a community service award for his efforts to reduce domestic violence in New Jersey and, in 2004, the Gatekeeper Award in recognition of his "leadership in restoring public confidence in the law," given by Common Good, a national bipartisan legal reform organization.

As a former Attorney General, Mr. Verniero is a member of the Society of Attorneys General Emeriti and frequently attends meetings of the National Association of Attorneys General. At one national meeting, for example, he sat on a panel of current and former judges, offering insights on effective appellate advocacy before an audience of state solicitors and appellate chiefs. He has also lectured on effective appellate advocacy at meetings of various county bar associations in New Jersey.

Mr. Verniero began his career as a law clerk to the Honorable Robert L. Clifford, New Jersey Supreme Court. He also was an Adjunct Assistant Professor at the County College of Morris, where he taught business law.

### *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 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).

**11:00 a.m. to 12:00 p.m.**

#### **CURRENT EVENTS IN NEW JERSEY ETHICS: ROBERTELLI AND METADATA**

The case of Robertelli v. New Jersey Office of Attorney Ethics, 2016 N.J. Lexis 323 (N.J. Apr. 19, 2016), involves a potential ethics violation through the use of social media. On April 14, 2016, the New Jersey Supreme Court adopted the recommendations of its Working Group on Ethical Issues Involving Metadata in Electronic Documents. Two members of the Division of Law's E-Discovery Task Force will analyze and discuss these recent Court events.

**DAG William B. Puskas, Jr.** has served with the Banking and Insurance Section of the Division of Law since 2005. Bill previously maintained a general civil law practice in New Brunswick, NJ for many years, and served as a Municipal Judge in Franklin Township (Somerset County) from 1997 to 2001. He also served as the Chief Financial Officer for a fraternal benefit society based in Washington, DC from 2001 to 2004, and subsequently sat on the society's Board of Directors from 2004 to 2008. Bill graduated *magna cum laude* from Dartmouth College and received his J.D. from Boston University School of Law. Bill is currently a member of the Division of Law's E-Discovery Task Force.

**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 litigated at every trial and appellate court level of New Jersey Courts and Federal Courts on variety of issues including racial profiling, civil rights, employment, and eminent domain law. In the area of E-Discovery, Nonee has several federal published decisions on litigation holds and electronic discovery protective orders from the Major Tours v. Colorel racial profiling litigation. Nonee is a 2001 graduate Temple University Beasley School of Law, a 1998 graduate of Harvard University Divinity School, and a 1996 graduate of LaSalle University. Nonee is a member of the Division of Law's E-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 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).

### **THE LEGISLATIVE PROCESS: THE PLAYERS AND THE GAME**

This presentation and panel discussion will review the components of how a bill becomes a law in New Jersey, as well as identify the players and examine the roles each plays in the process. Significant legislative measures enacted into law will be discussed to illustrate the actual workings of the process and roles of the players involved. A multi-media approach, which may include cartoons, will be used to illustrate the legislative process.

**Dominick DiRocco, Esq.** is the Director of Government Affairs for Horizon Blue Cross Blue Shield of New Jersey. He represents the company before the New Jersey Legislature and various New Jersey departments and agencies. Prior to joining Horizon BCBSNJ, Mr. DiRocco served as Deputy Chief of Staff to Governor Chris Christie, assisting in planning, coordinating, and implementing the Governor's public policy agenda. He was also Senior Counsel to the Governor, providing legal advice on a wide array of matters including pending legislation, litigation, federal and State statutory compliance, and the development of administrative regulations and executive orders. He briefly left the Governor's Office in June of 2013 to serve as Counsel to United States Senator Jeffrey S. Chiesa until the expiration of the Senator's term in November of 2013. Prior to joining the Christie Administration, he was Assistant Vice President of the New Jersey Business and Industry Association and served as Legislative Director for the New Jersey Association of Counties. After beginning his career as a law clerk to Superior Court Judge Harriet Derman, Mr. DiRocco was appointed as a Deputy Attorney General for the State of New Jersey, serving from 2000 to 2007. Mr. DiRocco is active in civic and community affairs at the State and local levels, and presently serves as Deputy Mayor in Wall Township, New Jersey. He also served on the Wall Township Planning Board for over ten years, including four years as Chairman. He has served as Chairman of the State Capitol Joint Management Commission, and as Governor Christie's appointee to, and Chairman of, the NJ State House Commission. Further, he has served as an adjunct instructor of social sciences at Ocean County College and as an instructor for the New Jersey Attorney General's Advocacy Institute. Dominick DiRocco graduated from Rutgers University with a Bachelor of Arts degree in 1996, and earned a law degree from Seton Hall University School of Law in 1999.

**AAG B. Stephan Finkel** is currently Director of Legislative Affairs for the Attorney General. AAG Finkel began his legal career in 1990 as a DAG in the Division of Law in the JUA Litigation/Insurance Section and joined the Legislative Affairs Unit in 1996. A highlight of AAG Finkel's tenure in Division of Law is his role in defending the constitutionality of Megan's Law and the New Jersey sex offender internet registry against numerous constitutional

challenges in State and federal court. In his 20 years in Legislative Affairs, AAG Finkel has worked on countless bills and initiatives on a broad range of subjects critical to the mission and operation of the Department, including human trafficking, insurance fraud, sex offenders, domestic violence, child pornography, prisoner reentry, juvenile justice, firearms, internet safety, bail reform, consumer protection, civil rights, official corruption and election reform. AAG Finkel received his law degree from Villanova University School of Law, graduating *cum laude* (1990), and holds a B.A. in psychology from Franklin and Marshall College (1981). Prior to joining State service, AAG Finkel was employed as a technical writer for Commodore Business Machines.

**Karen Fiorelli, Esq.** joined the Office of the Attorney General in 1990, and served in the Division of Criminal Justice's Appellate Section, Insurance Fraud Office and Policy and Legislation Unit. While at the Division of Criminal Justice, she argued several cases before the New Jersey Supreme Court, and served on committees to redraft the Attorney General's Computer Search and Seizure, and Grand Jury Manuals. Karen was an Assistant Counsel during Governor Whitman's Administration, primarily working on criminal justice and parole/correctional issues. She served in the transition office of Governor McGreevey and as Senior Associate Counsel in the McGreevey and Corzine Administrations. She was appointed as the Interim Recovery Coordinator, organizing the State's 9/11 recovery efforts during the transition between Governor DiFrancesco and Governor McGreevey's Administrations. Her most recent assignment with State government was as Legislative Counsel in the Office of the Attorney General. In these roles, Karen has worked on numerous, significant legislative initiatives, including reform of the parole hearing and revocation processes; codification of racial profiling consent-decree reforms; drug sentencing reforms; medical marijuana decriminalization; human trafficking; crime victims' rights; and the 2008 repeal of the death penalty. She has assisted in the selection and appointment process for cabinet and Supreme Court nominees and with the Corzine Administration's re-entry reform efforts and the executive clemency processes. Since her retirement in 2015, Karen has served as an adjunct professor at Rider University teaching the "The Politics of Law Enforcement", a criminal justice course focusing on the development of criminal justice policies and the political influences on the system. She also serves with New Jersey Volunteer Lawyers for Justice. Karen is a 1989 honors graduate of Rutgers Law School, Newark.

**AAG Amy E. Melick** has worked for the State since 1987, handling a broad array of areas in the legislative realm. She initially worked in the Office of Legislative Services and then joined the Attorney General's Legislative Affairs Office in 1999. Since 2010, she has been on mobility assignment to the Office of the Governor where she currently serves as Deputy Chief Counsel. She graduated from Wellesley College and has a law degree from Seton Hall University School of Law.

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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).

## **12:00 p.m. to 1:30 p.m. – LUNCH**

## **1:30 p.m. to 2:30 p.m.**

### **EVERYTHING YOU WANTED TO KNOW ABOUT ELECTIONS, BUT WERE AFRAID TO ASK**

This presentation will offer an overview of key provisions of New Jersey Election Law. Topics include voter eligibility and registration, how voting is exercised, and challenges that may be lodged against a vote. The roles of the State's Division of Elections and the County Superintendents and Boards of Election will also be discussed, as well as the Attorney General's legal representation of these officials on Election Day and throughout the year.

**SDAG George Cohen** has provided legal guidance to a host of State agency clients during his tenure, including years of hands-on experience with New Jersey's election laws. George has skillfully handled a variety of sensitive election law cases, including Gusciora v. McGreevey, which questioned the adequacy of electronic voting machines used in New Jersey, Rutgers University Student Assembly v. Middlesex County Board of Elections, which raised a constitutional attack on the statutory requirement that voters register at least 21 days before an election, and Empower Our Neighborhoods v. Guadagno, a First Amendment challenge to the New Jersey residency and registration requirements for circulators of petitions seeking to nominate candidates for public office.

**DAG Alan Stephens** has spent most of his career representing the State's Division of Elections, although he has also represented the Department of Labor. He has tackled some of the most complex and unusual election law cases handled by the Department of Law and Public Safety. Al successfully handled In re General Election in Livingston, resulting in a published trial court opinion affirming that county election officials properly rejected mail-in ballots that did not have signed certifications. In another reported opinion, Al deftly managed the high-profile election in In re Contest of Democratic Primary Election, 31<sup>st</sup> Legislative District, and the claims that the outcome of the election was tainted by violations of the Campaign Contributions and Expenditures Act. Al's considerable experience and expertise led the Attorney General to appoint him as the Acting Director of the Division of Elections in 2002.

**AAG Todd Wigder** has represented a wide variety of State agencies over the course of over 30 years as a lawyer with the Attorney General's Office, appearing at every level of the State and federal court systems and arguing 12 cases before the New Jersey Supreme Court. Earlier this year, Todd became responsible for managing all of the legal work that the Attorney General's office provides for the State's Division of Elections and for the Superintendents of Election and Boards of Election in each of the State's 21 counties.

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

### **HEARSAY AND EXCEPTIONS**

This presentation will review hearsay and other evidentiary arguments for trial. The discussion will cover both hearsay and some particular exceptions such as party opponents and statements against interest. Although child protection cases will be used as an overview, the presentation will be general enough to be applicable to any trial attorney.

**AAG Christian Arnold** graduated from Harvard Law School in 1993 and began his legal career as a Deputy Attorney General in the Public Utilities Section of the Division of Law. In 1999, Chris transferred to the DYFS North Section and has represented the Division in both protective services litigation and guardianship matters. Prior to his current position, he was an Assistant Section Chief in DCF North.

**Lauren Carlton** retired on June 1, 2015 after a long career at the Division of Law. Most recently, she was AAG in Charge of the Department of Children and Families (DCF) Practice Group, supervising over 130 DCF Deputies in four sections throughout the State. Since retirement, Lauren has worked with the DCF Child Welfare Training Partnership, teaching classes to DCF workers. She is an adjunct professor at Montclair State University and volunteered as pro bono counsel with the Partners for Women of New Jersey, handling a domestic violence final restraining order case. Lauren graduated from Duke University Law School in 1981. She is admitted to the bar in N.J. and to the United States Supreme Court.

**AAG Erin O'Leary** oversees the DCF Practice Group with Christian Arnold. Erin previously served as a DAG arguing multiple appellate matters, including two NJ Supreme Court cases (YN and EDO). Erin previously served as the Deputy Commissioner for the Department of Children and Families (DCF). In that role, Erin oversaw the Office of Legal Affairs and Licensing; Institutional Abuse Investigation Unit; Office of Advocacy; and the Office of Policy and Legislative Affairs. Prior to working at DCF, Ms. O'Leary was a Deputy Attorney General initially assigned to represent the Division of Youth and Family Services and later assigned to represent the Department of Health and Senior Services and Division of Medical Assistance and Health Services. She has served as a guest lecturer at many universities and schools and has been an Adjunct Professor at the Rutgers Law School.

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

**2:45 p.m. to 4:00 p.m.**

### **ETHICS REVIEW FOR LAW AND PUBLIC SAFETY ATTORNEYS**

This presentation will review the Conflicts of Interest Law, N.J.S.A. 52:13D-12 to -28; the State Ethics Commission Rules, N.J.A.C. 19:61-1.1 to -7.5; the Uniform Ethics Code; and the Department of Law and Public Safety Supplemental Ethics Code. The discussion will focus on specific subject areas most likely to affect L&PS attorneys, including potential conflicts of interest, gifts, attendance at events and travel, outside activities, secondary employment, and political activity. It will also will focus on the ethics review process, including the information required to complete attendance at events and travel request forms and outside activity questionnaires.

**AAG Margaret A. Cotoia** is the Director of the New Jersey Attorney General's Advocacy Institute. Prior to joining the Advocacy Institute, Margaret was the first Ethics Training Officer for the New Jersey State Ethics Commission ("SEC"), where she designed and conducted ethics training for State officials at 26 State departments and over 75 authorities, boards, and commissions, provided ethics advice to a state-wide network of agency ethics liaison officers and planned and conducted quarterly meetings for their continuing education. Margaret is also an ethics instructor for the National Attorneys General Training and Research Institute. Before joining the SEC, Margaret was a hearing officer and trainer at the New Jersey Department of Labor and a staff attorney and mediator at the Public Employment Relations Commission. Margaret holds a B.S. from Georgetown University in Washington, D.C. and a J.D. from the Penn State University Dickinson School of Law in Carlisle, Pennsylvania where she was an editor of the law review.

**AAG Gregory Spellmeyer** is the Director of the Office of the Attorney General's Legal Affairs and Employee Relations Office. AAG Spellmeyer provides legal guidance to various programs within the Department, including the New Jersey Office of Emergency Management and the Department's Human Resources Office. Prior to joining the Legal Affairs and Employee Relations Office, AAG Spellmeyer served in various supervisory and non-supervisory positions within the Division of Law, including Assistant Section Chief of the Corrections and State Police Section and was a member of the Division's Litigation Practice Group. Upon graduating from Rutgers University School of Law, Newark, AAG Spellmeyer served as a law clerk for the Honorable Herman D. Michels, P.J.A.D. He received his B.A. from Franklin & Marshall College where he graduated *cum laude* and was a member of Phi Beta Kappa.

**Megan Timmins, Esq.** is a Special Investigator with the Legal Affairs and Employee Relations Unit of the Office of the Attorney General where she handles ethics and administrative law matters. Ms. Timmins previously served as a Legal Specialist for the New Jersey Racing Commission and a Personnel and Labor Analyst for the Civil Service Commission. Prior to joining State service in 2011, she worked as a contract attorney and an associate in a general practice firm handling transactional matters.

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**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).

### **ORDERS TO SHOW CAUSE IN THE CHANCERY DIVISION, GENERAL EQUITY PART**

This presentation will discuss Orders to Show Cause in the Superior Court of New Jersey, Chancery Division, General Equity Part, from the perspective of the bench. The panel will be led by the Hon. Harriet F. Klein (Ret.), and also includes law clerks that she mentored during the 2012-2013 session. Topics will include the basics of Orders to Show Cause brought under R. 4:67-1 and R. 4:52, as well as what judges and their law clerks, look for when they are presented with an Order to Show Cause. The presentation will also cover best practices for attorneys in their pursuit of obtaining the requested relief on the return date, with particular emphasis on meeting the requirements for temporary and preliminary relief under the seminal case of Crowe v. DeGioia, 90 N.J. 126 (1982).

**Hon. Harriet Farber Klein, J.S.C. (Ret.)** is Of Counsel with the firm of Wilson, Elser, Moskowitz, Edelman & Dicker LLP in Florham Park, New Jersey, where she conducts a mediation, arbitration and dispute resolution practice. She was a Superior Court Judge for 15 years in the Essex County Vicinage and served an additional two years on recall. During her judicial career she sat in the Criminal and Civil Divisions, as well as 12 years in the Chancery Division, General Equity Part.

Judge Klein is a graduate of Douglass College and Rutgers School of Law-Newark. She clerked for the Hon. Irwin I. Kimmelman, J.S.C., in General Equity. Before becoming a judge, she was a litigation partner with the Woodbridge firm of Greenbaum, Rowe, Smith & Davis LLP.

Judge Klein has served as a Bar Examiner and as a member of the Supreme Court Advisory Committee on Bar Admissions. She is a past vice-chair of the Essex County Bar Association

Equity Jurisprudence Committee and has co-chaired its Committee on the Role of Women in Law Firms. She was also a co-chair of the Committee on Civil and Personal Rights in the Labor and Employment Law Section of the New Jersey State Bar Association.

Judge Klein is currently a trustee of both the State Bar Women in the Profession Section and the Dispute Resolution Section, and a member of the Justice Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution.

**Eric Carosia, Esq.** is an associate at Berkowitz, Lichtstein, Kuritsky, Giasullo & Gross, LLC in Roseland, New Jersey. Eric works in Berkowitz Lichtstein's Litigation and Trusts and Estates Groups, where he concentrates his practice on fiduciary counseling, probate litigation, and complex business disputes. Prior to joining the firm, he served as law clerk to the Honorable Walter Koprowski, Jr., Superior Court of New Jersey, Chancery Division, General Equity and Probate Parts, Essex Vicinage. Eric graduated from Rutgers University School of Law – Newark, and attended Ithaca College for his undergraduate studies.

**Zubin Haghi, Esq.** is of counsel at Fazio Law Offices of Mahwah, New Jersey, where he specializes in foreclosure litigation and consumer fraud actions, as well as a wide variety of real estate matters. Previously, he was an associate with Parker, Ibrahim & Berg, where he represented several major banks in financial services litigation, as well as in regulatory and transactional matters. Prior to that, from 2012 to 2013, he served as a law clerk in the General Equity Part, Chancery Division of Essex Vicinage, where he assisted the Hon. Kenneth S. Levy, the Hon. Harriet Farber Klein, and the Hon. Walter Koprowski, Jr. with foreclosures and other chancery matters. Zubin graduated from Rutgers School of Law - Newark in 2011 and attended Cornell University for his undergraduate studies.

**DAG Timothy Oberleiton** is assigned to the Division of Law's Employment Litigation Section in Trenton where he defends State agency clients of the Division in a wide range of federal and State court employment litigation. The matters handled include allegations of discrimination, workplace harassment, and retaliation for whistleblower activities. Prior to joining the Division in January 2016, Tim was in private practice for two years, and before that served as law clerk to the Hon. Kenneth S. Levy, Presiding Judge of the Chancery Division, General Equity Part, Essex Vicinage. Tim graduated from Rutgers School of Law—Newark in 2012, and earned a B.A. in History from Rutgers University in 2007.

**DAG David M. Reap** is assigned to the Division of Law's Consumer Fraud Prosecution Section where he is responsible for prosecuting matters on behalf of the New Jersey Division of Consumer Affairs in Superior Court, Chancery Division, General Equity Part, for violations of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. Prior to joining the Division of Law in September 2013, Dave served as law clerk to the Hon. Harriet Farber Klein, Superior Court of New Jersey, Chancery Division, General Equity Part, Essex Vicinage. Dave graduated from the Benjamin N. Cardozo School of Law in 2012, and attended the University of Michigan for his undergraduate studies.

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### **ANTITRUST LIABILITY FOR MULTI-MEMBER REGULATORY BODIES AFTER *NORTH CAROLINA DENTAL BOARD V. FTC***

The 2015 Supreme Court decision in *North Carolina State Board of Dental Examiners v. FTC* set a new standard for determining whether a state licensing board is immune from antitrust liability for its anticompetitive acts. This presentation will discuss the significance of the decision for multi-member regulatory bodies, including licensing boards, and measures likely to guard against antitrust liability for professional board members. No prior knowledge of antitrust law is necessary for this course.

**DAG Joshua M. Bengal** has been a member of the Consumer Affairs Counseling Section since January 2016, when he rejoined the Division of Law after a stint in private practice. In his current role, Josh principally advises a variety of New Jersey's professional boards in affirmative disciplinary actions and regulatory matters. Before joining the Counseling Section, Josh spent four years as a DAG in the Professional Boards Prosecution Section, where he prosecuted cases before many of the boards he now advises. From 2010 to 2011, Josh clerked for a New Jersey Superior Court judge. Josh is a 2010 graduate of the Benjamin N. Cardozo School of Law (J.D.) and a 2006 graduate of Brandeis University (B.A.).

**DAG Wendy Leggett Faulk** is assigned to the Division of Law's Professional Boards Prosecution Section where she is responsible for prosecuting disciplinary matters involving the conduct of professional licensees such as physicians, nurses, dentists and pharmacists. Wendy joined the Division of Law in 2005 after more than a decade practicing corporate environmental law. She holds an LL.M. in Health Law and Policy from Seton Hall University School of Law, a J.D. from Rutgers Law School, and a B.S.E. in Chemical Engineering from Princeton University.

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