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*The Advocacy Institute Is Pleased to Announce*

## **PROGRAM ANNOUNCEMENT**

### **DIVISION OF CRIMINAL JUSTICE'S 2016 APPELLATE SYMPOSIUM**

**August 10, 2016  
10:00 a.m. – 4:15 p.m.  
NJ Forensic Science & Technology Center  
1200 Negron Drive  
Hamilton, New Jersey**

### **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 day-long symposium will address hot topics and emerging issues in criminal law enforcement in New Jersey; including: appellate advocacy, upcoming New Jersey Supreme Court litigation, juvenile sentencing post-Graham and Miller, and a discussion of Miranda and the Fifth Amendment.

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

**This seminar is intended for Division of Criminal Justice Deputy Attorneys General, Assistant Prosecutors, Detectives and Investigators handling criminal matters only. This program is not open to any government attorneys or law enforcement personnel beyond those identified above.**

## *Who Is the Faculty?*

Please see attached.

## *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 5.1 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

**NY CLE Credit:** up to 5.0 substantive credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** up to 4.0 substantive credits (\$6.00 mandatory registration fee required).

## **How Do I Register?**

### **State Employees**

Most State employees are able to register for this course by going to <http://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**

### **THE DO'S AND DON'TS OF APPELLATE ADVOCACY**

**10:00 a.m. – 11:00 a.m.**

Oral argument plays a significant role in appellate advocacy and helps our Appellate Courts and Supreme Court render well-reasoned decisions that will serve as precedent in future cases. This presentation will provide the tips and tools necessary to effectively argue before the Appellate Division and the Supreme Court. It will highlight some of the challenges prosecutors face during oral argument and will provide guidance on how to successfully overcome those challenges.

**Sara M. Quigley** is a Deputy Attorney General with the Division of Criminal Justice, Appellate Bureau. DAG Quigley is a 2008 graduate of Lafayette College with a B.A. in Business and Finance as well as Government and Law, and a 2012 graduate of Rutgers School of Law – Camden. Upon graduating from law school, DAG Quigley clerked for the Honorable Michele M. Fox, J.S.C., Superior Court, Criminal Division, in Camden County and was hired by the Division after completing her clerkship. DAG Quigley has been with the Appellate Bureau since September 2013, where she has argued before the Appellate Division and the Supreme Court and has regularly provided trial assistance to Deputy Attorneys General in the Division's trial bureaus. DAG Quigley is admitted to the New Jersey and Pennsylvania bars.

**Sarah E. Ross** is a Deputy Attorney General with the Division of Criminal Justice, Appellate Bureau. DAG Ross is a 2009 graduate of The College of New Jersey with a B.A. in Political Science, and a 2012 graduate of Rutgers School of Law – Camden. Upon graduating from law school, DAG Ross clerked for the Honorable Bernard E. DeLury, Jr., J.S.C., Superior Court, Criminal Division, in Atlantic County and was hired by the Division after completing her clerkship. DAG Ross has been with the Appellate Bureau since September 2013, where she has argued before the Appellate Division and the Supreme Court and has regularly provided trial assistance to Deputy Attorneys General in the Division's trial bureaus. DAG Ross is admitted to the New Jersey and Pennsylvania bars.

### **BREAK**

11:00 a.m. -11:15 a.m.

### **UPCOMING NEW JERSEY SUPREME COURT LITIGATION**

11:15 a.m. – 12:30 p.m.

This course will provide a brief overview of some of the more significant criminal law cases likely to be argued in the New Jersey Supreme Court during the 2016-2017 Term.

**Frank J. Ducoat** is the Director of the Appellate Section at the Essex County Prosecutor's Office, where he has worked since 2013. He previously served as a Deputy Attorney General in the Division of Criminal Justice, Appellate Bureau (2008 to 2013), and as a law clerk to the Honorable Ariel A. Rodriguez in the Appellate Division (2007 to 2008). He received his J.D. from Rutgers Law School-Camden (2006) and his B.A. from William Paterson University (2003). He has frequently argued before the New Jersey Supreme Court and the Appellate Division, and has taught continuing legal education courses on a wide array of criminal law topics.

**Camila Garces** is an Assistant Prosecutor at the Essex County Prosecutor's Office. She is currently in the Appellate Section and was previously in the Juvenile Section. Before working at the Essex County Prosecutor's Office, Camila served as a law clerk to the Honorable Helen Hoens of the New Jersey Supreme Court (August 2013 to October 2013), and the Honorable Faustino Fernandez-Vina (November 2013 to August 2014) of the New Jersey Supreme Court. Camila received her J.D. from the University of Pennsylvania Law School in 2013 and graduated summa cum laude from New York University in 2010.

**LUNCH** (On your own)  
12:30 p.m. – 1:30 p.m.

**JUVENILE SENTENCING POST- GRAHAM AND MILLER**  
1:30 p.m. – 2:30 p.m.

In Graham v. Florida, the United States Supreme Court created a categorical ban on life-without-parole sentences for juveniles convicted of non-homicide crimes. In Miller v. Alabama, the Court prohibited mandatory terms of life imprisonment for juvenile offenders convicted of homicide, and also required courts to consider a juvenile's youth and attendant characteristics before imposing discretionary sentences of life imprisonment. These rulings have spawned significant litigation, including cases that are presently pending before the New Jersey Supreme Court. This presentation will address the state of the law, the issues still pending, and the practical implications for juvenile sentencing.

**Joe Glyn** is a Deputy Attorney General in the Division of Criminal Justice, Appellate Bureau. In 2009, Joe graduated from Rutgers School of Law, Camden, and then clerked for the Honorable Philip Carchman, P.J.A.D. In 2012, after a brief stint in private practice, Joe joined the Appellate Bureau. He recently filed amicus briefs in the Supreme Court concerning the United States Supreme Court's recent rulings in Graham v. Florida, Miller v. Alabama, and Montgomery v. Louisiana. He also presented a lecture at the 2015 Appellate Symposium concerning recent developments in N.J.R.E. 404(b) jurisprudence.

**John McNamara, Jr.** is a Supervising Assistant Prosecutor with the Morris County Prosecutor's Office. He holds a B.A. and M.A. in history from the University of Scranton. He graduated from the Catholic University of America Columbus School of Law in 1989. Upon graduation from law school, he served as a law clerk to the Honorable Donald G. Collester, Jr., J.A.D. In 1990, he was hired by Robert M. Morgenthau as an Assistant District Attorney for New York County. In 1992, he was appointed to the Homicide Bureau. He prosecuted homicide cases until he left to join the Morris County Prosecutor's Office in 1996 under Prosecutor John B. Dangler. He served in this capacity until September of 1998, when he briefly left the office for private

practice. He was re-hired as an Assistant Prosecutor in February of 2000 by Prosecutor Dangler. He served as Chief of the Major Crimes Unit as the supervising attorney for approximately 12 years until being named the Supervising Assistant Prosecutor for the Professional Standards Unit, effective 2014.

Assistant Prosecutor McNamara has prosecuted numerous homicide cases on behalf of the Morris County Prosecutor's Office, including capital cases before the abolition of the death penalty in 2007. He also served as a Special Deputy Attorney General in a contested proceeding before the New Jersey Supreme Court-appointed Special Master examining whether New Jersey should modify the standards for admissibility for eyewitness identification testimony. He is currently serving his fourth term as a member of the New Jersey Supreme Court Committee on Model Criminal Jury Charges. He is a member of the bar of the State of New Jersey, the State of New York, the Supreme Court of the United States, and the United States Court of Appeals for the Third Circuit.

### **BREAK**

2:30 p.m. - 2:45 p.m.

### **MIRANDA AND THE FIFTH AMENDMENT: DEBUNKING THE MYTHS**

2:45 p.m. – 3:45 p.m.

No Supreme Court decision on criminal law has been more misunderstood than Miranda v. Arizona. In this presentation, we will discuss many of the most common myths and misconceptions about Miranda. The goal is to help prosecutors develop a better understanding of the legal standards applicable to Fifth Amendment jurisprudence, so that we can ensure we make all reasonable arguments on behalf of the State in our courts of law and provide sound advice to law enforcement officers in the field.

**DAG Daniel I. Bornstein** has served as Chief of the Appellate Bureau of the Division of Criminal Justice since September 2014. He started working for the Division of Criminal Justice in 1995, and for about seven years, he handled criminal trials and appeals while being simultaneously assigned to the Appellate Bureau and the Gangs & Organized Crime Bureau. While in the Gangs & Organized Crime Bureau, DAG Bornstein successfully prosecuted and tried cases involving homicide, racketeering, and weapons and narcotics offenses, including several multi-defendant wiretap cases. While in the Appellate Bureau, DAG Bornstein regularly handles appeals before the New Jersey Supreme Court and Appellate Division. He has also handled habeas petitions before the United States District Court and Third Circuit Court of Appeals. He currently supervises DAsG in the Appellate Bureau, and he regularly provides trial assistance to assistant prosecutors and trial DAsG across the State. He also has made numerous presentations for the NJ Attorney General's Office's Advocacy Institute. DAG Bornstein graduated *magna cum laude* from Colgate University and received his law degree from the University of Pennsylvania Law School. He clerked for the Honorable Martin J. Kole, J.A.D., t/a, and the Honorable Theodore A. Winard, J.S.C.

### **QUESTION AND ANSWER SESSION**

3:45 p.m. - 4:15 p.m.