



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

THE ETHICS CONSEQUENCES OF IGNORING E-DISCOVERY OBLIGATIONS

**August 16, 2016
10:00 a.m. to 12:00 p.m.
Richard J. Hughes Justice Complex
6th Floor Point Meeting Area – Attorney General's Library
25 Market Street
Trenton, 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. 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

Building upon a basic understanding of e-discovery and litigation holds, this course addresses the ethics consequences of ignoring your obligations under the Rules of Professional Conduct in the course of e-discovery. Recent case law will be used to illustrate examples of e-discovery ethics obligations and how to avoid e-discovery related ethics violations.

Who Should Attend?

Registration for this presentation is limited to those who have been invited to attend. Please do not attempt to register for this presentation if you have not been notified of your eligibility to attend.

Who Is the Faculty?

DAG Geoffrey Gersten joined the Division of Law in 2003 after serving as a law clerk for the Honorable Donald S. Goldman, J.S.C. (retired). Geoffrey works in the Public Utilities Section. Prior to joining Public Utilities, he spent four years in the Consumer Fraud Prosecution Section. During his tenure, Geoffrey has worked on various matters involving recovery and review of electronic documents, subpoena responses to State and federal agencies as well as other large scale production of electronic documents. Geoffrey has also worked with different agencies to assess litigation hold practices and search and review capabilities for electronic document production. During law school Geoffrey traced spammers through techniques including a review of internet protocols and email text headers. Geoffrey received his J.D. from American University, Washington College of Law. Geoffrey is a member of the Division of Law's E-Discovery Task Force.

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. Bill 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 received his J.D. from Boston University School of Law and his undergraduate degree from Dartmouth College. Bill is a member of the Division of Law's E-Discovery Task Force.

DAG Nonee Lee Wagner has worked in the Transportation Construction and Condemnation section since 2001. Prior to joining the section full-time, she served as a paid legal intern. Before joining the Division of Law, Nonee was a Personnel and Labor Analyst at the Department of Personnel's Merit Systems Board. At the Division of Law, Nonee has litigated at every level of New Jersey and federal trial and appellate courts on a variety of issues including racial profiling, civil rights, employment, and eminent domain law. Nonee was involved in the Major Tours v. Calorel racial profiling litigation, which generated several published federal decisions on litigation holds and electronic discovery protective orders. Nonee is a 2001 graduate of 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.

Kathi Cooley (formerly Downes) is an Attorney Assistant in the Environmental Enforcement Section. She joined the Division of Law in 1991 after working in the Monmouth County Prosecutor's Office for five years. Kathi started out in the Banking & Insurance section, working on the complex JUA litigation and was trained to use the very first electronic document storage and retrieval system in the State. Kathi moved to the Labor, Commerce & Licensing Section in 1995 and was assigned to assist with the FRT litigation. She has served in two sections of the Environmental Practice Group, where she continues to gain expertise in managing voluminous document collection for complex cases. Kathi is a member of the Division of Law's E-Discovery Task Force and has co-presented several e-discovery classes with the EDTF.

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 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://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.