



PROGRAM ANNOUNCEMENT

The Advocacy Institute Is Pleased to Present

THE DIVISION OF LAW 2019 IN-SERVICE

July 18, 2019
8:30 a.m. – 3:45 p.m.
McDonnell Hall
Princeton University
Washington Road, Princeton, NJ 08544

NOTICE REGARDING COURSE MATERIALS

You will receive the course materials approximately forty-eight (48) hours prior to the date of the course. The materials will be contained in an email attachment.

Program Summary

This program will provide instruction in subject areas that are pertinent to deputies in the Division of Law.

Courses include:

- Civility and Professionalism in the Practice of Law: A View from the Bench
- A Primer on OAL Practice
- Raising Consciousness: Implicit Bias Interrupted
- Using Sanction Trial Presentation Software
- Policy By Tweet? Making Sense of the Census Case and Other Current Issues in Immigration
- An Introduction to Cryptocurrency-Bitcoin 101?
- Planes, Trains and Automobiles:
An Introduction to the Transportation, Construction and Condemnation Section
- The New Jersey False Claims Act

Who Should Attend?

This In-Service program is solely 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. **Please make sure to register for only one course per time slot.**

Who Is the Faculty?

Please see attached.

CLE Credit

See each individual course description below for CLE credit amounts. Please note: for PA CLE credit, one check per course.

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.

LIST OF COURSES AND PRESENTERS

(Courses Listed Chronologically)

CIVILITY AND PROFESSIONALISM IN THE PRACTICE OF LAW:

A VIEW FROM THE BENCH

9:15 a.m. – 10:30 a.m.

McDonnell Hall, Room A-02

Judges interact with a large number of attorneys in a multitude of matters. They are uniquely qualified to identify best practices for professionalism that attorneys should follow to comply with the Rules of Professional Conduct. This panel of experienced judges will offer their perspectives on civility in the practice of law, illustrating behaviors to emulate and pitfalls to avoid with examples from their distinguished tenure on the bench.

AAG Michelle Miller is the Director of the Division of Law. Prior to that, she was the Deputy Director of the Division of Law, the AAG in Charge of the Division's Administrative Practice Group, Section Chief of the Education and Higher Education Section and Assistant Section Chief of the Education, Health and Human Services Section. She has handled numerous appellate and Supreme Court matters, as well as administrative and Superior Court matters for a variety of State

agencies. Prior to joining the Division of Law, Director Miller clerked for the Hon. Erminie Lane Conley, J.A.D. She holds a B.A. from Fairleigh Dickinson University and a J.D. from Seton Hall

Law School.

The Honorable Glenn Berman was a New Jersey Superior Court Judge in Middlesex County for 20 years. He was one of two judges assigned to the Chancery Part - General Equity, where he presided over probate, foreclosure, and complex commercial disputes. He was also an Acting Criminal Part Presiding Judge and Acting Assignment Judge. Judge Berman presided over New Jersey's 2012 landmark cyberbullying case, *State of New Jersey v. Dharun Ravi*. Prior to that, he was the Presiding Judge of the Family Part. Between judicial appointments, Judge Berman served as Middlesex County Prosecutor for five years, appearing before the New Jersey Supreme Court and trying numerous jury cases. Prior to his judgeship, he was in private practice for 17 years. Judge Berman holds a B.A. with honors from Gettysburg College and a J.D. from Case Western Reserve Law School.

The Honorable Patricia Costello was a New Jersey Superior Court Judge for over 25 years, including a decade as the Assignment Judge in Essex County. As Assignment Judge, she was responsible for all of Essex County's trial and municipal courts, including over 100,000 filings per year. Judge Costello supervised approximately 1,000 employees and managed a \$55 million annual budget for the State's busiest courthouses. Judge Costello spent the first 15 years of her judicial career in Hudson County. Prior to her judicial service, Judge Costello was a partner in the law firm of McAlevy & Costello. Judge Costello was a law clerk for the Honorable Thomas McCole, Hudson County Superior Court. She holds a B.A. from Seton Hall University and a J.D. from Rutgers University School of Law.

The Honorable Harriet Farber Klein was a New Jersey Superior Court Judge in Essex County for 17 years. While on the bench, Judge Farber Klein was a faculty member who trained new judges and law clerks assigned to the General Equity Part. Prior to her judgeship, she was a commercial and employment litigator with two New Jersey-based firms. Judge Farber Klein was a law clerk for the Hon. Irwin I. Kimmelman in the Chancery Division, General Equity Part. She holds a B.A. with honors from Rutgers University, Douglass College and a J.D. from Rutgers School of Law, where she was a member of the Order of the Barristers.

The Honorable Edwin Stern ended his judicial career with a temporary assignment to the New Jersey Supreme Court. Before that, he was a judge in the Appellate Division of Superior Court for 25 years, serving as its Presiding Judge for Administration for six years. Judge Stern authored more than 3,600 written decisions and more than 400 published opinions. Judge Stern was a law clerk for the Honorable Edward Gaulkin, New Jersey Appellate Division. He holds a B.A. from Rutgers University, where he was a member of Phi Beta Kappa, and a J.D. from Columbia Law School.

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

NY CLE Credit: 1.5 Ethics Credits (pursuant to the approved jurisdiction policy).

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

A PRIMER ON OAL PRACTICE

10:40 a.m. – 11:55 a.m.

McDonnell Hall, Room A-02

This program will cover presenting a case at the Office of Administrative Law, including conducting the hearing and building the record, evidence issues, post-hearing practice and professionalism.

The Honorable Lisa James-Beavers is the Acting Director and Chief Administrative Law Judge of the Office of Administrative Law. She previously served as Deputy Director of the OAL and Assignment Judge for the Trenton and Atlantic City offices. As an ALJ, she conducts hearings and issues written decisions in cases referred to the OAL by over 125 State agencies. As Acting Director and Chief ALJ, she is responsible for setting and maintaining policies for a staff of approximately 100 employees in three offices in Trenton, Newark and Atlantic City. She is also responsible for the promulgation and enforcement of rules pursuant to the Administrative Procedure Act.

Judge James-Beavers previously served as Executive Director of the School Ethics Commission in the New Jersey Department of Education, as an associate at the law firm of Hill Wallack, P.C. and as a Deputy Attorney General in the Division of Law, Department of Law and Public Safety. She received her Juris Doctor degree from Villanova University School of Law and her Bachelor of Arts degree in Economics from Rutgers College, Rutgers University.

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 qualify as hours of credit for the ethics/professionalism.

NY CLE Credit: 1.5 Substantive Credits (pursuant to the approved jurisdiction policy).

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

RAISING CONSCIOUSNES: IMPLICIT BIAS INTERRUPTED

10:40 a.m. – 11:55 a.m.

McDonnell Hall, Room A-01

Research has established that, unwittingly, all of us have attitudes or buy into stereotypes that influence our impressions about and interactions with other people. The term “implicit bias” has been coined to reflect those unconscious influences, whether they are positive or negative. Implicit bias impacts our professional lives as attorneys, whether in our workplace relationships with supervisors, peers or subordinates at work, or in how we relate to adversaries, judicial personnel, jurors or others. Fortunately, research has also shown that these unconscious biases can be interrupted, enabling us to be more mindful and intentional in how we lead, work with and respond

to the people around us. This training will review the research and science in this area, overview the tools for assessing implicit bias and its common forms, and provide practical techniques for

interrupting and mitigating implicit bias in the workplace.

AAG Lora Fong is the Chief Diversity Officer of the New Jersey Department of Law and Public Safety, a position she has held since its creation in December 2016. Before joining LPS, she was a partner at Brown, Moskowitz & Kallen and held in-house counsel positions at Diversity Inc., Salesforce.com and Fujitsu Consulting. Earlier in her career, she worked at Greenbaum, Rowe, Smith & Davis and Sills, Cummis, Epstein & Gross. She has served on the Board of Trustees of Rutgers University and the New Jersey State Bar Association and as a member of the New Jersey State Advisory Committee to the U.S. Commission on Civil Rights and the New Jersey Supreme Court Committee on Women in the Courts. She graduated from Rutgers University, Douglass College, and Rutgers University School of Law in Newark.

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

NY CLE Credit: 1.5 Diversity, Inclusion and Elimination of Bias Credit, pursuant to 22 NYCRR 1500.2 (g). PLEASE NOTE: The Implicit Bias program does not qualify for Ethics and Professionalism credits pursuant to 22 NYCRR 1500.2 (c).

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

USING SANCTION TRIAL PRESENTATION SOFTWARE

10:40 a.m. – 11:55 a.m.

Jadwin Hall, Room A-10

This program will provide an overview of the use of Sanction trial presentation software during trial and other court proceedings, as well as a discussion of the powerful benefits of utilizing this software to present a case. The presentation will include some of the practical aspects of preparing a Sanction case for trial, such as tips on planning ahead, collaborating with the trial team, equipment considerations and using the software to prepare witnesses for testimony. The presentation will also include a discussion on trial strategy and the use of exhibits during witness testimony and summations.

Anthony A. Picione is a Deputy Attorney General with the Division of Criminal Justice, Office of Public Integrity and Accountability and Acting Counsel to the Director of Division's Office of Public Integrity and Accountability. Mr. Picione's practice concentrates largely on white collar crime, particularly offenses involving public officials and public funds. During his career, Mr. Picione has prosecuted numerous high profile cases involving public corruption and the theft of public funds. Mr. Picione is also an instructor for the New Jersey Attorney General's Advocacy Institute, the Police Training Commission and the National Attorneys General Training and Research Institute, as well as an Adjunct Professor of Trial Advocacy for Rutgers Law School. Mr. Picione received his J.D. *cum laude* from the University of Pennsylvania Law School in 1995 and received his B.A. *magna cum laude* from Drew University in 1992.

DAG Nonee Lee Wagner is a member of the Division of Law's Transportation, Construction and

Condemnation Section. DAG Wagner has litigated cases in every level of the New Jersey Courts on a wide variety of issues including racial profiling, civil rights, employment, and condemnation. She successfully litigated the GEOD v. NJ Transit case in federal court, which generated over a million pages of discovery. She also litigated the Major Tours v. Colorel case, which resulted in several published federal decisions on electronic discovery and evidence. Prior to joining the Division of Law, DAG Wagner was a Personnel and Labor Analyst with the Department of Personnel's Merit System Board. She is a member of the Division of Law's Electronic Discovery Task Force and has developed and provided extensive training on all aspects of e-discovery. DAG Wagner is a faculty member of the Attorney General's Advocacy Institute and a 2017 recipient of an Attorney General's Award for Excellence in Advancing the Department of Law and Public Safety's Priorities and Initiatives. She holds a Bachelor's Degree with Honors in Religion and History from LaSalle University in Philadelphia, a Master's Degree in Theological Studies from Harvard University and a J.D. from Temple University Beasley School of Law.

DAG Matthew R. Weiss is a member of the Division of Law's Transportation, Construction & Condemnation (TCC) Section. DAG Weiss handles condemnation and outdoor advertising cases for the Department of Transportation. He assisted on two complex trials where Sanction technology was used to present the State's case. DAG Weiss was a clerk for the Honorable Pamela D'Arcy in the New Jersey Superior Court, Atlantic County. He holds a B.S. in Finance from the College of New Jersey and a J.D. from the Villanova University Charles Widger School of Law.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for the ethics/professionalism.

NY CLE Credit: 1.5 Substantive Credits (pursuant to the approved jurisdiction policy).

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

POLICY BY TWEET? MAKING SENSE OF THE CENSUS CASE AND OTHER CURRENT ISSUES IN IMMIGRATION

1:35 p.m. – 2:35 p.m.

McDonnell Hall, Room A-02

This presentation will discuss current immigration issues, with a primary focus on breaking developments in efforts to add a citizenship question to the 2020 census. The program will also cover the Supreme Court's grant of certiorari in cases challenging the rescission of Deferred Action for Childhood Arrivals ("DACA"), and litigation surrounding attempts to build a border wall with Mexico.

AAG Rachel Wainer Apter is the Director of the New Jersey Division on Civil Rights. Prior to this appointment, she served as Counsel to the Attorney General. Before joining the OAG, she was a senior staff attorney at the American Civil Liberties Union in New York. Previously, she was an associate at Orrick, Herrington & Sutcliffe in New York and clerked for Judge Jed Rakoff of the U.S. District Court for the Southern District of New York, Judge Robert Katzmann of the U.S. Court of Appeals for the Second Circuit, and Justice Ruth Bader Ginsburg of the U.S. Supreme Court. She graduated from the University of Pennsylvania and Harvard Law School.

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 Credit (pursuant to the approved jurisdiction policy).

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

INTRODUCTION TO CRYPTOCURRENCY-BITCON 101?

1:35 pm. -2:35 p.m.

McDonnell Hall, Room A-01

This course will offer a primer on cryptocurrencies and digital assets. Attendees will learn about the basics of “Blockchain” – the business buzzword of the hour, and foundation stone for the development of cryptocurrencies – and receive a tour of the digital currency landscape. The presenters will discuss the difference between a cryptocurrency and a security token, as well as Initial Coin Offerings (ICOs) and coin exchanges, sample a smattering of the thousands of cryptocurrencies in the marketplace and highlight the potential risks of investing or speculating in cryptocurrencies – including the substantial risk of hacking-related theft. The course will also highlight current regulatory perspectives on cryptocurrencies at the federal and state levels and attempt to predict where the digital currency world could be heading in the future while exploring regulatory challenges in the digital currency arena. The presenters will also provide guidance on how to recognize the prototypical elements of an on-line cryptocurrency scam.

DAG Benjamin R. Zakarin is a member of the Division of Law’s Securities Fraud Prosecution Section, where he represents the Bureau of Securities in a range of regulatory and securities fraud investigations and related enforcement litigation in both State Superior Court and the Office of Administrative Law. He also advises the Bureau in drafting and proposing new regulations. DAG Zakarin was a primary drafter of New Jersey’s intrastate “crowdfunding” rules and the architect of the Bureau’s recently-proposed “Fiduciary Duty” regulations for financial professionals. He also serves as a member of the New Jersey State Bar Association’s Securities Law Special Committee. DAG Zakarin earned his J.D. from Wake Forest University School of Law, where he was a member of the Editorial Staff for the Wake Forest Journal of Business and Intellectual Property Law. He graduated *magna cum laude* from the University of Michigan-Ann Arbor, majoring in history and political science.

DAG Evan A. Showell is the Assistant Chief of the Securities Fraud Prosecution Section of the Division of Law. He represents the Bureau of Securities in regulatory and securities fraud investigations and enforcement litigation. He is also head of the Securities Fraud Prosecution Section’s Cryptocurrency Unit. DAG Showell previously worked for the Government and Healthcare Fraud Section of the Division of Law, which he joined after a lengthy career in private practice working on complex commercial, securities law and environmental matters at national, regional and New Jersey-based law firms. DAG Showell is an honors graduate of the College of The University of Chicago where he was elected to *Phi Beta Kappa*. He obtained his Juris Doctor from the New York University School of Law.

H. Onno Chekemian is an attorney in the Securities Fraud Prosecution Section of the Division of Law, which counsels and represents State agencies in securities-related investigations, civil prosecution, and regulatory enforcement. He is a member of the section's Cryptocurrency team. Onno has also handled regulatory matters involving anti-money laundering violations, supervisory deficiencies, due diligence failures of online firms, and registration obligations of merchant cash-advance businesses. Onno is a Certified Information Privacy Professional (CIPP/US), and a Certified E-Discovery Specialist (CEDS). He received his Juris Doctor from Rutgers University School of Law-Newark, where he served on the boards of the Rutgers Business Law Review and the International Law Society. He obtained a Bachelor of Science degree in Criminal Justice from the Pennsylvania State University, University Park.

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**PLANES, TRAINS AND AUTOMOBILES: AN INTRODUCTION TO THE
TRANSPORTATION, CONSTRUCTION & CONDEMNATION SECTION**

2:45 p.m. – 3:45 p.m.

McDonnell Hall, Room A-02

This course will offer an overview of the work of the Transportation, Construction & Condemnation (TCC) Section, which represents and advises State agencies, primarily the Department of Transportation, the Motor Vehicle Commission, and the Division of Property Management & Construction. Attendees will learn about the history of the TCC Section, which is the oldest section in the Division of Law. The presenters will provide an overview of the section's work, including current and previous cases and matters the section has handled. The program will also include a brief discussion of the New Jersey Contractual Liability Act and the New Jersey Eminent Domain Act.

DAG Philip J. Espinosa is the Section Chief of the Transportation, Construction & Condemnation (TCC) Section in the Division of Law. He was previously an Assistant Section Chief in TCC. DAG Espinosa also served as the Acting Director of Law for the New Jersey Turnpike Authority. DAG Espinosa is the Attorney General's designee on the Supreme Court of New Jersey Civil Practice Committee. He also coordinates the Division of Law's Intern Program for the Trenton and Voorhees offices. Before joining the Division of Law, DAG Espinosa was an in-house counsel for State Farm Insurance Co. He previously worked in private practice, primarily handling professional malpractice defense cases. DAG Espinosa served as a law clerk for Judge Michael Patrick King, P.J.A.D., in the Superior Court of New Jersey, Appellate Division. He graduated magna cum laude from Temple University and holds a J.D. from Rutgers University School of Law-Camden, where he served as the managing editor of the Rutgers Law Journal.

DAG Wanda Y. Ortiz is an Assistant Section Chief in the Transportation, Construction &

Condemnation (TCC) Section in the Division of Law. DAG Ortiz handles land acquisition, eminent domain, property relocation, and highway access regulation and represents the New Jersey Department of Transportation, New Jersey Transit, and the Motor Vehicle Commission. DAG Ortiz also serves on the New Jersey Supreme Court Committee on Women in the Courts. DAG Ortiz began her legal career as a law clerk in the Office of Administrative Law. She graduated with high honors from Rutgers University and holds a J.D. from the Rutgers University School of Law-Newark.

DAG Sudha V. Raja is an Assistant Section Chief in the Transportation, Construction & Condemnation (TCC) Section in the Division of Law. DAG Raja handles construction litigation, advises, and represents various State agencies. She was previously assigned to the Treasury Section. DAG Raja received an Attorney General's award for excellence in litigation in 2016. She is a graduate of the Temple University School of Law.

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

THE NEW JERSEY FALSE CLAIMS ACT

2:45 p.m. – 3:45 p.m.

McDonnell Hall, Room A-01

The course will provide a review of the New Jersey False Claims Act, including cases that illustrate how the Government and Healthcare Section of the Division of Law uses the Act to combat government fraud.

DAG Lara Fogel is the Chief of the Government & Healthcare Fraud Section in the Division of Law. Before joining the Division of Law, DAG Fogel worked as an associate at Levine Lee LLP in New York City in complex civil litigation and white collar and securities enforcement defense. Prior to that, she served as a career judicial clerk to the Honorable Burton R. Lifland of the United States Bankruptcy Court for the Southern District of New York. DAG Fogel began her law career as a litigation associate at Thacher Proffitt & Wood LLP in New York City. She graduated *summa cum laude*, Phi Beta Kappa from Barnard College, Columbia University and received her Juris Doctor from Georgetown University Law School, where she served as the Executive Editor of the *American Criminal Law Review*.

DAG Kenneth S. Levine is the Assistant Chief of the Government & Healthcare Fraud Section in the Division of Law, where he investigates and litigates New Jersey False Claims Act and New Jersey Consumer Fraud Act claims. Prior to joining the Division of Law, DAG Levine worked in the public and private sectors in New York, including as an Assistant District Attorney in the appeals and trial bureaus of the New York County District Attorney's Office, as an in-house counsel for a New York-based private equity company, and as commercial litigator in a New York

City law firm. DAG Levine holds an undergraduate degree from Columbia University and a J.D. from New York University School of Law.

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