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## **PROGRAM ANNOUNCEMENT**

*The Advocacy Institute Is Pleased to Present*

### **Communications with Represented Persons: R.P.C. 4.2 in the Criminal Context**

**September 25, 2024  
1:00 p.m. – 3:00 p.m.**

**Richard J. Hughes Justice Complex  
Advocacy Institute Conference Center  
Fourth Floor, West Wing  
25 Market Street, Trenton, New Jersey\***

**\*Note: This program will also be simulcast as a webinar.**

#### ***Program Summary***

Rule of Professional Conduct 4.2 prohibits an attorney from communicating about a matter with a person who the attorney knows, or by the exercise of reasonable diligence should know, is represented by counsel in the matter. This presentation will focus on identifying the issues and legal principles that arise from the application of R.P.C. 4.2 by government attorneys, particularly in the context of investigating and prosecuting a criminal matter.

The issues addressed will include:

- What does R.P.C. 4.2 prohibit?
- How does an attorney evaluate whether a person should be deemed to be represented when they are part of an organization known to be represented?
- When is there a “matter” as defined in R.P.C. 4.2?
- Are *ex parte* communications with represented persons ever authorized, particularly if the attorney believes that a crime may be ongoing?
- How does R.P.C. 4.2 impact communications with represented persons via social media?

#### ***Eligibility***

This presentation is intended for DAsG and AAsG who deal with criminal matters, and county prosecutors and assistant prosecutors. However, other Department of Law and Public Safety DAsG and AAsG might find this presentation of interest.

### ***Faculty***

**AAG Anthony A. Picione** is the Acting Warren County Prosecutor. He was previously Deputy Director of the Office of Public Integrity and Accountability in the New Jersey Attorney General's Office. Before that, AAG Picione was the Deputy Chief and then Chief of the Division of Criminal Justice's Corruption and Government Fraud Bureau for over a decade. Prior to becoming the Acting Warren County Prosecutor, AAG Picione's practice concentrated on white-collar crime, particularly offenses involving public officials and public funds. During his career, AAG Picione has prosecuted numerous high profile cases involving public corruption and the theft of public funds. AAG Picione is a faculty member for the National Association of Attorneys General and received its Outstanding Faculty Award in 2019. He also serves as faculty for the New Jersey Police Training Commission and as an Adjunct Professor of Trial Advocacy for Rutgers Law School. AAG Picione received his B.A., *magna cum laude* from Drew University and his J.D., *cum laude* from the University of Pennsylvania Law School.

### ***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 2.0 hours of total CLE credit. Of these, 2.0 qualify as hours of credit for ethics/professionalism.

**PA CLE Credit:** 1.5 Ethics Credits (\$3.00 mandatory registration fee required).

### ***Registration***

Attorneys who are eligible to attend this program should fill out the registration form accessed through the registration email hyperlink.