



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

DIVISION OF LAW IN-SERVICE TRAINING

September 13, 2010

9:00 a.m. to 3:30 p.m.

New Jersey State Police Academy

Sea Girt, New Jersey

Program Summary

The Division of Law will be providing various presentations during this program. The topics and presenters are listed on the following pages. These programs, each of which will be one hour, will cover a variety of substantive and ethics topics. **Only the eleven programs listed in this announcement are eligible for CLE credit through the Attorney General's Advocacy Institute. Other presentations either are not eligible for credit, or may be eligible for credit through another provider.**

Who Should Attend?

The In-Service Training is for Division of Law personnel **only**. The Advocacy Institute has provided, or will provide, certain of these presentations for other government attorneys.

Who Is the Faculty?

See attached.

How Do I Register?

Registration will be through the Division of Law's Intranet **only**. The registration page should be available as of August 18, 2010.

CLE Credit

PA CLE Credit: 1.0 substantive or ethics credit for each presentation, depending upon the presentation content (\$1.50 mandatory registration fee required for each credit hour)

NY CLE Credit: 1.0 substantive or ethics credit for each presentation, depending upon the presentation content credit (pursuant to the approved jurisdiction policy)

NJ CLE Credit: 1.0 substantive or ethics credit for each presentation, depending upon the presentation content credits (pursuant to the approved BCLE reciprocity policy)

2010 DOL In-Service CLE Course Offerings

(Courses Listed Alphabetically)

ABCs of Attorney Ethics in New Jersey

This course will provide an overview of attorney ethics in New Jersey from the grievant's filing of a complaint, to the completion of the appeals process. Among the topics discussed will be the ethics review process; who is subject to the process, the offenses for which attorneys can be disciplined, and the respective roles of the Supreme Court, Disciplinary Review Board, Office of Attorney Ethics and District Ethics Committees in the process.

Christina Blunda Kennedy, Esq. has been a Deputy Ethics Counsel for the Office of Attorney Ethics since May 2006. Upon receiving her law degree in 1988 from Seton Hall University School of Law, Ms. Blunda Kennedy entered private practice. In 1998-1999, she also served on the District VIII (Middlesex County) Fee Arbitration Committee. From 2003-2006, Ms. Blunda Kennedy was a deputy attorney general in Division of Law's Tort Litigation Section.

PA CLE Credit: 1.0 ethics credit (\$1.50 mandatory registration fee)

NY CLE Credit: 1.0 ethics credit (pursuant to the approved jurisdiction policy)

NJ CLE Credit: 1.0 ethics credit (pursuant to the approved BCLE reciprocity policy)

Anatomy of a Medical Malpractice Case

Medical malpractice law provides an excellent vehicle to broaden one's understanding of both tort and trial law, along with practice and procedure. Gaining an understanding of the law of expert witnesses is essential for any trial lawyer. Knowing the practice and procedure for taking the depositions of both parties and experts in complex litigation is also a critical skill for every trial lawyer, and malpractice cases provide ample opportunity to develop this skill. This course will include: Examining the Expert Witness. This course also will include an introduction to medical malpractice law, including related public policy issues, duty of care, standard of care, and medical judgment and examining the expert witness.

Abbott S. Brown, Esq. is a partner with Bendit Weinstock, Esqs. in West Orange, and is an adjunct professor at Seton Hall University School of Law. He is a certified civil trial attorney with extensive experience and expertise in the medical malpractice area. Mr. Brown is a frequent speaker and published author on various medical malpractice issues.

PA CLE Credit: 1.0 substantive credit (\$1.50 mandatory registration fee)

NY CLE Credit: 1.0 substantive credit (pursuant to the approved jurisdiction policy)

NJ CLE Credit: 1.0 substantive credit (pursuant to the approved BCLE reciprocity policy)

Avoiding Appellate Pitfalls

This presentation will identify some common problems in brief-writing and offer strategies for addressing these problems. Topics covered will include tips for structuring preliminary statements, statements of fact and argument sections of appellate briefs, using boilerplate, focusing on the standard of review, identifying and disposing of interlocutory appeals, vanquishing passive construction, and putting the opponent's argument into perspective. The goal of the course is to provide useful suggestions for preparing more persuasive briefs.

AAG Melissa Raksa was appointed an AAG for Appeals in 2008. During her career with the Division, she has served as a DAG in the Banking & Insurance and Labor, Personnel & Community Affairs Sections, Lead DAG in the Insurance Fraud Unit, and Assistant Section Chief and then Section Chief of the Health and Human Services Section. She began her career with the Division of Law in 1995, following an Appellate Division clerkship.

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Caring for the Elderly

Caregiving is among the most universal and least understood experiences that we humans have in common. At some time, often when we least expect it, we will be responsible for giving care, for a sustained period, to someone close to us. This seminar touches upon some State programs, statutes and regulations that pertain to this chapter in our lives. Among the topics addressed will be the role of RNs and CHHAs in at home care and the relationship between MDs and RNs in nursing homes. Also discussed will be parent transfer of assets to children, Medicaid eligibility, and long term care insurance.

DAG Susan Dougherty has been with the Division of Law since September 2003, and has been Section Chief of the Health and Human Services Section of the Division since July 2008. In that role, she represents the Department of Health and Senior Services, which regulates nursing homes, assisted living facilities, home health services, and other programs for the elderly, and the Division of Medical Assistance and Health Services, which regulates the New Jersey Medicaid program.

DAG Kathy Stroh Mendoza was an Appellate Division law clerk before entering private practice. DAG Mendoza has been in various assignments since joining the Division of Law in 1992, and currently is assigned to the Professional Boards Prosecution Section. Besides her extensive legal experience, she has been a White House Fellow, television executive producer, museum curator and journalist.

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Ethical Risks of Dilatoriness in Litigation

When does legitimate delay turn into unethical foot-dragging? What test applies to distinguish excusable delay from unprofessional dilatoriness? Are lawyers ever disciplined for delaying litigation? How does the duty to expedite litigation conflict with shrinking resources? When does a lawyer's rudeness become actionable discourtesy? These questions and others will be the focus of a brisk one-hour program addressing the bounds of proper attorney conduct in the litigation setting.

DAG Kim D. Ringler had her own law firm in Hackensack, NJ from 1991 to 2008, when she became a deputy attorney general. She is a graduate of Georgetown University Law School where she was a Law Fellow. DAG Ringler concentrated her law practice on attorney ethics for a quarter century. She represented attorneys at all stages of the disciplinary and admission processes, and she consulted with lawyers, law firms and other regulated professionals on ethics issues. DAG Ringler has been a member of various ethics committees, and has presented and published on ethics topics ranging from the New Jersey municipal pay-to-play legislation to law firm risk management.

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Ethical Walls and Opinion 583

IMO Opinion No. 583, a 1987 New Jersey Supreme Court opinion, established the framework for dealing with the Attorney General's dual role of prosecuting administrative matters before state agencies and providing counsel to those agencies acting in a quasi-judicial capacity. The session will explore when and how deputies may discuss pending cases with the agency and the safeguards that should be employed to preserve the integrity of the decision-making process and avoid "merger of function" arguments on appeal. Both prosecutors and counselors may find the session useful in helping to determine where the "line" is -- and how best to avoid crossing it.

AAG Sharon Joyce, who is the Deputy Director of the Division of Law in Newark, began her career at the Division of Law in 1979 after graduating from NYU School of Law. Throughout her tenure, AAG Joyce has represented multi-member boards including professional licensing boards, pension boards, the Board of Trustees of UMDNJ, and the Board of Directors of University Hospital.

SDAG Sandra Dick has served as Section Chief of the Consumer Affairs Counseling Section for more than 8 years. Following graduation from Boston University School of Law in 1975, she was a staff attorney at Essex County Legal Services concentrating on Elder Law issues. Since joining the Division of Law in 1979, SDAG Dick has spent nearly all of the 31 years since representing multi-member professional licensing boards of the Division of Consumer Affairs in a variety of capacities -- initially investigating and prosecuting disciplinary matters, as well as counseling on licensing, regulatory, and disciplinary issues.

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Ethics & E-Discovery

This program will address how the developing law of electronic discovery presents new challenges relating to attorneys' professional obligations, including the handling of metadata, obligations to cooperate, maintaining the attorney-client privilege and the most basic requirement of competence.

AAG Robert Stoloff has been with the Division of Law for 34 years, serving in a variety of capacities. AAG Stoloff is a member of the Division of Law's E-Discovery Working Group and has participated in an *ad hoc* working group providing advice to the Office of Information Technology regarding E-Discovery issues.

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Ethics in Settlement Negotiations

Attorneys who represent the State are expected to maintain the highest reputation for fair dealing. State attorneys are often confronted with the concurrent obligations of maintaining that reputation and obtaining favorable results for their client agencies. This presentation will identify ethical issues which often arise in settlement negotiations. It will also provide approaches to those issues that fulfill both obligations. Among the issues for discussion will be what information must be revealed in certain situations, such as when a judge or adversary requests your "real bottom line" or "real deadline," or the extent of your authority, and the circumstances, if any, in which points of agreement reached may be modified or rescinded as the negotiations continue.

SDAG John Covino has been a practicing attorney since 1978. Since 1980, he has served in various assignments in the Division of Criminal Justice and the Division of Law, and has served as an assistant section chief in the Environmental Permitting and Counseling Section since 1993. SDAG Covino's subject areas have included radiation protection, water quantity, water quality and waste facility siting. He is a member of the Attorney General's Advocacy Institute's faculty, where he has presented on various topics, including negotiations, trial skills, trial preparation, evidentiary issues and legal writing.

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Legal Ethics and the Dark Side of Social Networking

This presentation explores the origin, function and impact of social networking websites such as Facebook, MySpace and Twitter with an emphasis on the legal issues implicated when individuals choose to create and publish content on such sites. The presentation will focus on the risks to privacy and the potential danger of using social networking websites, as well as the legal ethics issues arising incident to the use of such websites, especially by attorneys.

Scott Shagin, Esq. is in private practice, and is an adjunct professor at Seton Hall University School of Law. Mr. Shagin's areas of practice include entertainment law, media, licensing, related intellectual property, contracts and negotiation. Mr. Shagin is a member of various professional organizations and is a published author on various legal topics in his practice areas.

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Open Public Records Act Update

This program will provide a legal and practical overview of recent significant developments in the evolving law and practice concerning the Open Public Records Act.

AAG Lewis Scheindlin is an Assistant Attorney General for Appeals in the Division of Law. In addition, AAG Scheindlin deals extensively with privilege issues in overseeing Open Public Records Act legal advice and litigation on behalf of all State agencies.

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Sixty Days Before Trial: Using the Trial Notebook as a Preparation Tool

This course will explore the use of the trial notebook as a tool to prepare for trial and to try cases. Among the topics covered will be identifying issues and organizing proofs; the use of jury charges; *in limine* motions; preparing for direct and cross examination; use of expert *voir dire*; anticipating evidentiary issues; the use of "pocket briefs"; and preparing closing statements.

AAG Kevin Jespersen is an Assistant Attorney General in the Litigation Group of the Division of Law. He is a Certified Trial Attorney and has devoted almost all of his twenty-nine-year career to handling litigated civil matters. AAG Jespersen has tried over 40 cases to verdict in both jury and non-jury cases. His trials have taken place in both state and federal courts in New Jersey, as well as before the Office of Administrative Law.

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