



PROGRAM ANNOUNCEMENT

The Advocacy Institute Is Pleased to Present

THE DIVISION OF LAW 2018 IN-SERVICE

JULY 26, 2018
8:30 a.m. to 3:45 p.m.
Monmouth University
400 Cedar Avenue, Pollak Theatre
West Long Branch, NJ 07764-1898

PLEASE READ: 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 is designed to provide instruction in subject areas that are pertinent to deputies in the Division of Law. Courses include: Raising Consciousness: Implicit Bias Interrupted, The Supreme Court from the Inside, the New Jersey Open Public Meetings Act, Data Privacy and Cybersecurity Section Updates, Attorney-Client Privilege and the Work Product Doctrine, and Addressing the Opioid Epidemic.

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.

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.

LIST OF COURSES AND PRESENTERS

(Courses Listed Chronologically)

RAISING CONSCIOUSNESS: IMPLICIT BIAS INTERRUPTED

9:30 a.m. – 10:30 a.m.

Pollak Theater

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.

Lora L. Fong serves the Chief Diversity Officer of the Department of Law & Public Safety and leads the Department in its mission of promoting and supporting an inclusive, respectful, and effective multi-cultural workplace. In addition to subject matter expertise and experience in counseling large organizations on diversity and inclusion, AAG Fong has an extensive background as a litigator in federal and state courts, as well as in transactional practice. Prior to government service, AAG Fong was a partner at Brown, Moskowitz & Kallen, and previously, practiced at Greenbaum Rowe Smith & Davis and at Sills Cummis & Gross. AAG Fong has also served as a senior member of the legal departments at two technology corporations, Salesforce.com and Fujitsu Consulting. AAG Fong also served as the General Counsel and Senior Vice President of DiversityInc Media, LLC, an entrepreneurial company exclusively focused on advancing corporate diversity and inclusion.

AAG Fong has demonstrated a career-long commitment to promoting equal opportunity, fundamental civil rights and a culture of inclusion within and beyond the workplace. In addition to counseling clients, Fong has led diversity initiatives in the legal profession, including through the New Jersey State Bar Association, where she co-chaired the Diversity Committee; the New Jersey Women Lawyers Association, where she served as a Co-Chief Diversity Officer; and the Asian Pacific American Lawyers Association of New Jersey, where she is a past president. Fong has also served as a member of the New Jersey State Advisory Committee to the United States Commission on Civil Rights.

AAG Fong’s record of community service includes serving as a member of the Board of Governors of Rutgers University, having previously served on its Board of Trustees. She also served as a Trustee of the New Jersey State Bar Association, and has volunteered as counsel to various non-profits, such as the New Jersey chapters of the Organization of Chinese Americans

and the Women’s Political Caucus. AAG Fong has served on numerous New Jersey Supreme Court committees, including Women in the Courts, and the Committee on Character.

AAG Fong was recognized as “Professional Lawyer of the Year” in 2004 by the NJ Commission on Professionalism in the Law, and received the “Distinguished Alumna” award in 2007 from Rutgers School of Law, Minority Student Program. In 2017, AAG Fong was named a “Distinguished Leader of the Bar” by the New Jersey Law Journal.

AAG Fong earned her law degree from Rutgers School of Law – Newark, and her B.A. in Political Science from Douglass College at Rutgers University. She is admitted to the bar in New Jersey, New York and in the U.S. District Courts for the District of New Jersey and the Southern District of New York.

NJ CLE Credit: This program had 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, 1.2 qualify as hours of credit for the ethics/professionalism.

NY CLE Credit: 1.0 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).

THE SUPREME COURT FROM THE INSIDE

10:45 a.m. – 12:15 p.m.

Pollak Theater

Rachel Wainer Apter and Jeremy Feigenbaum, Counsels to the Attorney General, will provide an overview of the U.S. Supreme Court based on their experiences clerking for Justice Ruth Bader Ginsburg and Justice Elena Kagan, respectively. The presenters will share their insights about Supreme Court practice, what cases the Court decides to hear, and how the Court makes its decisions. The presenters will also discuss the briefs and arguments in four of the major cases (civil and criminal) currently pending before the Supreme Court.

AAG Rachel Wainer Apter is 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.

AAG Jeremy Feigenbaum is Counsel to the Attorney General. Before joining the OAG, he was an associate at Kirkland & Ellis in New York. He has also served as an adjunct professor at NYU School of Law. He clerked for Judge William Fletcher of the U.S. Court of Appeals for the

Ninth Circuit and Justice Elena Kagan of the U.S. Supreme Court. He graduated from Brown University and Harvard Law School.

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.8 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

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

PA CLE Credit: 1.5 Substantive Credits (\$3.00 per credit mandatory registration fee required).

LET THE SUNSHINE IN: THE NEW JERSEY OPEN PUBLIC MEETINGS ACT
10:45 a.m. – 12:15 p.m.
Wilson Hall Auditorium

This presentation will discuss the history the New Jersey Open Public Meetings Act and the fundamentals that deputies need to know when representing client agencies. It will cover what constitutes a meeting, public notice requirements and exemptions and provisions governing meeting minutes. The program will also include a discussion of the nine exceptions that allow a public body to go into executive session, including personnel matters and attorney-client privilege.

SDAG Steven Flanzman joined the Division of Law in 1988. He works for the Professional Licensing Boards Section, representing the State Board of Medical Examiners, the Medical Practitioner Review Panel, and multiple committees of the BME and the Perfusionists' Advisory Committee. He also represents the Real Estate Appraisers Board and the Midwifery Liaison Committee and provides advice to the Division of Consumer Affairs on the Open Public Records Act. DAG Flanzman represented the Supreme Court Committee on Attorney Advertising in the matter of Opinion 39 ("Super Lawyers" and "Best Lawyers" designations). He is currently representing that same Committee, along with the Committee on Professional Ethics and the Committee on the Unauthorized Practice of Law, on a challenge to Joint Opinion 73. Prior to joining the Division of Law, DAG Flanzman worked for Lowenstein Sandler and Sills Cummis in the corporate law and litigation departments from 1984 to 1988. DAG Flanzman graduated from Tufts University in 1981 with a degree in economics and he earned his law degree in 1984 from Harvard University.

DAG General Geoffrey Gersten joined the New Jersey Department of Law and Public Safety's Division of Law in 2003. DAG Gersten currently works in the Public Utilities Section counseling the Board of Public Utilities on many issues, including the Open Public Meetings Act and defending its decisions. He was previously assigned to the Consumer Fraud Prosecution Section. DAG Gersten has handled numerous matters involving the recovery and review of electronic documents, subpoena responses to State and federal agencies and large scale e-discovery requests. DAG Gersten has also worked with New Jersey State agencies to assess their litigation hold practices and search and review capabilities for electronic document

production. DAG Gersten is a member of the Division of Law's E-Discovery Task Force and has co-developed and presented extensive, comprehensive e-discovery training to the Division's deputies. He received the Attorney General's Award for Excellence in 2017 for Outstanding Contributions to a Special Project and in 2015 for Excellence in Investigations.

DAG Gersten is a faculty member for the New Jersey Attorney General's Advocacy Institute and the National Attorneys General Training and Research Institute. During law school, DAG Gersten was involved in ground breaking spam litigation on behalf of then leading ISPs, tracing spammers through techniques including review of internet protocols and email text headers. DAG Gersten received his undergraduate degree from the University of Vermont, his J.D. from American University, Washington College of Law and served as a law clerk for the Honorable Donald S. Goldman, J.S.C. (retired).

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.8 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 1.5 substantive credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 1.5 substantive credits (\$3.00 mandatory registration fee required).

**DATA PRIVACY & CYBERSECURITY UPDATES:
YOUR DATA IN THE NEWS AND WHAT YOU CAN DO ABOUT IT
10:45 a.m. – 12:15 p.m.
Pozycki Hall, Room 115**

This program will detail how the New Jersey Division of Law's Data Privacy and Cybersecurity Section safeguards New Jersey residents' personal information by responding to data breaches and implementing affirmative enforcement. Some of the larger breaches of the past year will be discussed in detail, including Cambridge Analytica, Facebook and Equifax. For those unnerved by the amount of digital data available to corporations and wrong-doers alike, the panel will offer practical tips to mitigate the amount of personal data that may be collected (or stolen) online, as well as some steps on how to protect your identity in the event of an information breach.

DAG Elliott M. Siebers is a member of the Division of Law's Government and Healthcare Fraud Section and New Jersey Internet Privacy and Data Protection Working Group. As a member of the Government and Healthcare Fraud section, he investigates and litigates New Jersey False Claims Act matters. As a New Jersey Internet Privacy and Data Protection working group member, he enforces various state and federal laws relating to online consumer privacy and data security and represents the Cyber Fraud unit of the New Jersey Division of Consumer Affairs, Office of Consumer Protection. Elliott is a Certified International Privacy Professional/United States (CIPP/US). He received a B.S. from the University of Wisconsin (2006), and J.D. from Brooklyn Law School (2012).

DAG Kenneth S. Levine is a member of the Division of Law's Government and Healthcare Fraud Section, where he investigates and litigates New Jersey False Claims Act and New Jersey Consumer Fraud Act claims. Prior to joining the Division of Law, Ken worked in the public and private sectors in New York, including as an Assistant District Attorney for the New York County District Attorney's Office, as an in-house counsel for a New York-based private equity company, and as a partner at a 15-lawyer law firm in New York City. Ken holds an undergraduate degree from Columbia University and a JD from New York University School of Law.

DAG Zachary N. Klein is a member of the Division of Law's Government and Healthcare Fraud Section and works with the Internet Privacy and Data Protection Working Group. He previously served as a deputy in the Transportation, Construction and Condemnation Section. Zachary is involved in the ABA Section of International Law as a member of the Privacy, Cybersecurity and Digital Rights Committee and as a Vice Chair of the National Security Committee. He is also a member of the NY/NJ Electronic Crimes Task Force. Last spring, Zachary moderated a CLE program on digital election interference that included members of the intelligence community, the military, and leading cybersecurity experts. He earned his B.A. from Tufts University and his J.D. from Rutgers Law School.

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.8 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 1.5 substantive credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 1.5 substantive credits (\$3.00 mandatory registration fee required).

ATTORNEY-CLIENT PRIVILEGE AND THE WORK PRODUCT DOCTRINE

1:45 p.m. – 3:45 p.m.

Pozycki Hall, Room 115

This seminar will provide the nuts and bolts of the law and practice involving the attorney/client privilege, deliberative process privilege and the attorney work product doctrine. The course will address the law and issues that relate to applying these doctrines in the government context, including practical tips on dealing when requests or demands are made for records which include privileged or protected materials.

AAG Brian F. McDonough is an Assistant Attorney General with the Affirmative Civil Enforcement Practice Group. Prior to joining the Division of Law, he was in private practice with a national law firm for twenty nine years where he specialized in securities and commercial litigation in the New York and New Jersey State and federal courts, as well as in arbitration tribunals throughout the country. Throughout the course of his career he has also devoted significant amounts of time to pro bono civil rights and capital post-conviction litigation. He began his career as a law clerk to former New Jersey Supreme Court Justice Robert Wilentz.

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).

ADDRESSING THE OPIOID EPIDEMIC – A MULTI-DISCIPLINARY APPROACH

1:45 p.m. – 3:45 p.m.

Pollak Theater

In February 2018, Attorney General Grewal established the New Jersey Coordinator of Addiction Responses and Enforcement Strategies (NJ CARES), an office that coordinates departmental efforts to address all opioid-related issues and partners with other State agencies represented by the Division of Law. This program will examine the strategies already in place to combat the opioid epidemic and the myriad of federal, state and municipal approaches that address law enforcement interdiction of illicit substances, pursuit of problematic prescription practices, facilitation of treatment to break the cycle of addiction and various educational initiatives.

Adam Bucon, LSW, works for the New Jersey Department of Health’s Division of Mental Health and Addiction Services, where he is a leading authority on treatment for opioid addiction. He oversees the day-to-day monitoring and oversight activities necessary to implement the Substance Abuse and Mental Health Services Administration (SAMHSA) regulations for using medication assisted treatment for the treatment of opioid use disorders and provides technical assistance to support the certification and accreditation requirements for all licensed opioid treatment programs throughout the State. Adam has also taken an active role in implementing the Opioid Overdose Prevention and Opioid Overdose Recovery Programs, both of which strive to prevent opioid overdose deaths and provide individuals who are reversed from an opioid overdose with some form of substance use disorder treatment or recovery support services. Adam holds a Master’s Degree in Social Work from Rutgers University.

DAG Jonathan Garelick is the Deputy Chief of Staff to the Attorney General. He joined the Attorney General’s Executive Leadership Team in 2015, serving as a Special Assistant to the Attorney General until February 2018. DAG Garelick previously worked in the Department’s Legal Affairs and Employee Relations Section and at the National Pollution Funds Center of the United States Coast Guard. He graduated from Rutgers University and Villanova University Charles Widger School of Law.

AAG Christopher Iu is currently assigned to the Opioid Abuse Prevention and Enforcement Unit (“Opioid Unit”) of the United States Attorney’s Office, District of New Jersey. The Opioid Unit prosecutes individuals involved in the distribution and diversion of controlled substances. Matters the unit handles include medical professionals indiscriminately prescribing opioids,

pharmacies diverting prescription medications, drug trafficking organizations distributing narcotics, and foreign manufacturers producing and shipping prohibited substances to the United States. Iu served as New Jersey's Acting Insurance Fraud Prosecutor from December 2015 to March 2018. He led the Office of the Insurance Fraud Prosecutor, which investigated all types of insurance fraud and coordinated the anti-fraud activities of State and local investigative agencies and prosecutors. New Jersey's Medicaid Fraud Control Unit, within the Office of the Insurance Fraud Prosecutor, obtained large financial recoveries on behalf of the State through criminal and civil actions.

Iu joined the Attorney General's Office in 2011, serving as Special Assistant to the Attorney General. He worked with the Juvenile Justice Commission, the Office of Homeland Security and Preparedness and the Division on Civil Rights, and worked on special projects with the Divisions of Criminal Justice and State Police. He also served as a liaison to the Governor's Policy Office and other State departments. Prior to that, he was an Assistant Prosecutor in the Essex County Prosecutor's Office, where he was assigned to the Juvenile Unit, Trial Team and Homicide Squad. He prosecuted hundreds of cases including narcotics distribution, aggravated assaults, armed robberies and homicides. Iu clerked for the Honorable Joseph A. Falcone, J.S.C., then Assignment Judge of Essex County. He received his undergraduate degree from the State University of New York at Binghamton, and his law degree from Seton Hall University School of Law.

AAG Sharon M. Joyce is the Director of NJ CARES, an office within the Department of Law and Public Safety created to coordinate the department's efforts to address the State's opioid crisis. Prior to this appointment, she most recently served as the Acting Director of the Division of Consumer Affairs. Before her assignment to DCA, AAG Joyce was the Deputy Director of the Newark Office of the Division of Law, overseeing Deputy Attorneys General representing the Divisions of Consumer Affairs and Civil Rights, the Department of Children and Families, the Board of Public Utilities and NJ Transit. AAG Joyce was previously the Section Chief for Consumer Affairs Counseling and UMDNJ and has also represented the Commissioner of Health, UMDNJ, and various licensing boards. She has assisted with the transition between several gubernatorial administrations. Joyce is a graduate of Connecticut College and holds a JD from New York University School of Law.

DAG Bindi Merchant is assigned to the Division of Law's Professional Boards Prosecution Section. Her practice focuses primarily on prosecuting health care professionals and providers before their licensing boards and at the Office of Administrative Law. She has developed expertise in successfully prosecuting cases before the Board of Medical Examiners involving indiscriminate prescribing, federal anti-kickback statutes, impairment, infection control, and sexual misconduct. She has also advocated for the Board of Medical Examiners through successful arguments before the Appellate Division. Prior to joining the State, DAG Merchant clerked for the Honorable Shirley A. Tolentino, Civil Division, Hudson County. She is a graduate of Rutgers University and Seton Hall Law School, with a concentration in health law.

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, 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 2.0 substantive credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 1.5 substantive credits (\$3.00 mandatory registration fee required).