



2011 COURSE CATALOG

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SEMINARS & SYMPOSIUMS

ADMINISTRATIVE LAW

Appearing Before the Regulator

This program addresses practice before an administrative agency from the perspective of a smaller agency. The course focuses on the law and issues that relate to presenting an administrative case, from the filing of a petition, through a hearing (before the agency head with direct involvement or before an administrative law judge) to the final agency order. Issues discussed include evidential standards, motion practice before an agency, emergent matters and basis for recusal. The program discusses the unique considerations of administrative litigation and includes practical tips for attorneys who appear before smaller administrative agencies such as the Division of Alcoholic Beverage Control or the Division of Civil Rights. This program does **not** address, issues unique to appearing before cabinet level departments, or multi-member boards. (2 Hours)

Legal Foundations of Administrative Practice

This program provides an overview of basic principles of administrative law, focusing on agency authority and its exercise. Issues discussed include the sources of and limitations on agency authority, formal and informal agency processes, and judicial oversight of agency action and inaction. The presenters discuss the varying roles of the attorney advising and representing an agency throughout the process. (2 Hours)

The Nuts and Bolts of Counseling Multi-Member Boards

Providing legal counsel to multi-member boards requires not only a sound knowledge of the substantive law guiding agency decision-making, but familiarity with the Open Public Meetings Act, quorum requirements, recusal issues, hearing procedures and the APA standards for final decision making.. This presentation provides an overview of the relevant laws, as well as practical guidance to assist in consensus building. (2 Hours)

CIVIL LAW

2011 Annual Review of New Jersey Civil Case Law

This popular and informative New Jersey civil case law covers dozens of important New Jersey Supreme Court and Appellate Division cases decided in the last year in various practice areas. The cases discussed involve a myriad of civil practice issues, including those unique to government attorneys. (4 Hours)

Abstention and the 10th and 11th Amendments

This presentation explores the various abstention doctrines with which federal court practitioners must be familiar as well as an overview of the immunities afforded state agencies and the State pursuant to the Tenth and Eleventh Amendments to the United States Constitution. The presentation touches upon the leading Supreme Court of the United States opinions in these areas and also provides practice points for civil motion practice employing these defenses. (2 Hours)

Anatomy of a Medical Malpractice Case

The presentation guides attendees through all of the major elements of medical malpractice litigation, from screening and case selection to trial. Evaluation of potential claims, discovery and depositions is emphasized through the use of real-life cases. Relevant statutes, case law and rules of court is also discussed. (2.0 Hours)

Bankruptcy Basics

This presentation addresses the basics of bankruptcy practice, from the Debtor's filing of the petition to the final distribution. In particular, this presentation provides an overview of the code chapters and case filings. Further topics include: claims, automatic stays, discharges and the case process, including the bankruptcy issues government attorneys face in their cases. (1.2 Hours)

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 is the role of RNs and CHHAs in at home care and the relationship between MDs and RNs in nursing homes. Also discussed is parent transfer of assets to children, Medicaid eligibility, and long term care insurance. (1.2 Hours)

Child Sexual Abuse Accommodation Syndrome (DYFS In-service Program)

This presentation addresses the use and misuse of the Child Sexual Abuse Accommodation Syndrome in civil trials. The five elements of the syndrome ([1] Secrecy, [2] Helplessness, [3] Entrapment, Coercion or Accommodation, [4] delayed or unconvincing disclosure and {5} recantation or retraction) are discussed. The use of expert testimony at trial is also discussed. Videotape examples of the elements of the syndrome are viewed. An outline of the major attacks against the use of the syndrome at trial are discussed as well. (1.8 Hours)

Courtroom Advocacy in DYFS Cases (DYFS In-service Program)

This presentation focuses on effective techniques for courtroom advocacy in DYFS cases. How must a DYFS DAG present a case in order to win the relief DYFS is seeking? Instruction is provided in strategic use of the law and facts of a case, organizing presentations for maximum impact and keeping the hearing focused on relevant issues and information. The elements of a persuasive presentation to the court will be discussed. (1.8 Hours)

Deposing Corporate Representatives to Help Satisfy the “Reptilian Brain”

As set forth by Don Keenan and David Ball in their recent book, Reptile, the plaintiff wins if jurors believe that the kind of thing the defendant has done in a particular case is an immediate threat to the jurors and their children. See how the “reptilian brain” that has kept our ancestors alive for millions of years - with hundreds of times more connections to the rest of the brain than any other structure - is very powerful in our decision-making, yet resides in our unconscious. This presentation focuses on those skills and techniques necessary to effectively depose a corporate representative to gain the knowledge you need to help jurors do the right thing, and help you win. (2.0 Hours)

Direct and Cross Examination: Establishing the Credibility of Your Witness and Neutralizing Theirs

This program explores the principles and practice of the art of both direct and cross-examination. Among the topics covered are: (1) the purposes of both direct and cross-examination; (2) techniques to help you achieve those ends; (3) preparation of your witness on direct and of your cross; (4) structure and organization of your examination; and (5) some time-honored commandments of cross-examination and whether you can violate them. Among the resources used are transcripts of the cross-examination of a former district attorney, as well as a sheriff, in a death penalty post-conviction proceeding. (2.0 Hours)

Discovery and Demonstrative Evidence for the Digitally Dumbfounded

This program was developed at the request of the Federal Judicial Center for presentation at Federal Judicial Workshops in an effort to help inform all judges of the effect of the Electronic Revolution on modern litigation. It provides methods and resources for controlling the cost of e- discovery and for effective courtroom presentation. By use of discreet movie clips, the program highlights certain

problem areas involving e-discovery and e-demonstration and suggests practical solutions to help lawyers and judges recognize and resolve "digital dangers." (2.0 Hours)

Division of Law - E-discovery Training

This program provides a basic overview of the law regarding e-discovery. The program emphasizes clients' and lawyers' responsibilities to maintain, gather and produce electronically stored information before and during litigation. The program also examines practical problems and solutions in dealing with e-discovery issues. (3.0 Hours)

DYFS Appellate Seminar (DYFS Program)

The New Jersey Supreme Court and Appellate Division have recently issued many significant published decisions affecting DYFS Practice. This presentation reviews the decisions, interprets their meaning and discusses methods to integrate the holdings into daily practice in ways that best support DYFS's mission. (2 Hours)

DYFS Appellate Seminar (Cases from the Past Year) (DYFS In-service Program)

The New Jersey Supreme Court and Appellate Division have recently issued many significant published decisions affecting DYFS Practice. This presentation reviews the decisions, interprets their meaning and discuss methods to integrate the holdings into daily practice in ways that best support DYFS's mission. (2 Hours)

DYFS Appellate Update 11/21/11 (DYFS In-service Program)

This presentation is an overview of recent Supreme Court and Appellate Division cases including *T.B.*, addressing "neglect" under *N.J.S.A. 9:6-8.21(c)(4)(b)*; and other companion cases in *K.A.*, dismissed as cert improvidently granted, in *C.H.*, cert. den., and in *S.H.*, cert. pending, as well as *R.D.*, addressing the collateral estoppel effect of adjudications of abuse/neglect in termination of parental rights trial; and *I.S.*, addressing the propriety of custody under Title 30 in the absence of abuse and neglect. (1.8 Hours)

DYFS Evidence II (DYFS In-service Program)

This presentation discusses how to cope with objections commonly interposed by our adversaries in FN, FG and OAL cases, and how to make objections to testimony and documents proffered by the defense. Experienced and inexperienced deputies are encouraged to attend; there will be a lot of discussion. (1.2 Hours)

DYFS Overview of Protective Services Litigation (DYFS Program)

This program covers various substantive and procedural issues commonly encountered in protective services litigation deputies handling these matters routinely face. Among the topics addressed is an overview of DYFS; the handling of referrals to DYFS and findings; the law concerning abuse,

neglect and confidentiality; decisions on whether or not DYFS should intervene in a matter; and what to do in preparing for, and going to, court in these matters. (5.4 Hours)

Energy Law and Policy

This program provides a basic overview of energy law and policy. The program discusses the regulatory framework governing electric and gas generation, transmission and distribution. It also briefly discusses the oversight and regulation of renewable energy, energy efficiency and demand response. (2 Hours)

Exploring Defenses to Section 1983 Litigation: Absolute/Qualified Immunity and Beyond

This seminar focuses on the various defenses available to state defendants in opposing 42 *U.S.C.A.* § 1983 damage actions with the primary emphasis being the absolute and qualified immunity doctrines. In addition, the seminar explores the *Rooker-Feldman* doctrine, claim preclusion and judicial estoppel theories. (2.0 Hours)

Fact Finding Strategies (DYFS In-service Program)

Using examples from actual cases, this presentation addresses preparation and admission of evidence; preparing for effective direct and cross examination; and meeting and making objections, including addressing theories of the case that are not supported by the facts. (1.2 Hours)

Federal and State Attorneys Fee Awards

This seminar offers an overview of key Supreme Court of the United States and Third Circuit Court of Appeals decisions governing applications by prevailing plaintiffs and defendants for attorneys fees pursuant to 42 *U.S.C.A.* § 1988. In addition, a comparison is provided for attorney fee awards to prevailing plaintiffs in New Jersey Civil Rights Act and OPRA litigation as well as federal Prisoner Litigation Reform Act suits. (2.0 Hours)

How to File Your FNs (DYFS Program)

This presentation covers the basics of filing protective services litigation from conferencing with your client to presenting your initial case to the court. Techniques from several different counties will be addressed. A discussion of protective services case law and methods to address evidentiary objections is also included. (2.0 Hours)

How to File Your FNs (DYFS In-service Program)

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How to Present “Child-In-Placement (FC) Cases” (DYFS In-service Program)

This presentation focuses on the issues most frequently addressed during post termination hearings. It includes a discussion on permanency planning and services for aging out youth, completion of the consent package and the select home process. Course materials include references to applicable state and federal statutes as well as DYFS policy. (1.8 Hours)

Licensing Relatives as Resource Family Homes (DYFS In-service Program)

This presentation reviews how relative home studies move from resource unit to LO Manager to OOL, and what can happen if the relative is ruled out for cause, including appeals of substantiated findings, appeals of rule outs, and appeals of license denial by OOL. The presentation also delves into the Appellate Division's recent rulings in rule outs for cause. (1.2 Hours)

Local Government Law

This seminar covers a variety of topics relating to the functioning of local governmental units in the State of New Jersey. Included is a review of the various types of local public entities, *e.g.*, municipalities, counties, local authorities, etc., which exist in the State and their respective functions. Other areas examined are the statutory authority and responsibilities of these various entities with particular regard to their budgetary and financial obligations. Moreover, the relationships of these entities with the State government and pertinent State agencies are explored. This seminar also examines certain significant legal principles, enunciated in both statutes and case law, regarding both the extent of the powers exercised by local governmental units and the limitations imposed upon the exercise of those powers. (2.0 Hours)

Nuts and Bolts of Contract Review & Drafting

All State agencies routinely enter into different types of contracts: MOUs, service contracts, grant agreements, leases and others. This program provides you with a framework and resources to review and draft contracts that meet your clients needs and comply with the laws unique to the State. (2.0 Hours)

OPRA Update 2011

The law involving public records underwent a major sea change in New Jersey in 2002 with the enactment of the Open Public Records Act (OPRA). Thanks to recent changes brought about by amendments to OPRA and the issuance of a 2010 Executive Order, records custodians and the attorneys representing them are facing new challenges. Further, the courts have issued a number of important opinions on OPRA over the past year that will affect the practice of all public sector attorneys. This informative and very topical presentation will include and update recent OPRA case law developments. This program also will provide perspective and insights into the practical problems and legal issues which confront records custodians and their legal counsel on a daily basis. The topics covered in his presentation will include: when a request is a valid OPRA request; exceptions to access under OPRA; specific, identifiable records and improper, overbroad requests;

unduly burdensome requests; distinctions between discovery and OPRA; assessing costs and special service charges; reasonable expectations of privacy; safety, security and homeland security; the roles of the record custodian and legal counsel. (2 Hours)

Permanency Planning for Children in DYFS Placement (DYFS Program)

This program covers various substantive and procedural issues commonly encountered in permanency, AFSA and guardianship cases. Among the topics addressed is an overview of the Adoption and Safe Families Act, including statutory highlights; final dispositional hearings and permanency hearings; the Guardianship Statute and issues related to guardianship, up to, and including, appeals. (5.4 Hours)

Responding to Written Discovery in State and Federal Court

Make the discovery process work for you. Responding to discovery does not have to be a painful obligation. Instead it can be a critically useful tool which can form the contours of the case to fit your client's position. Learn the techniques and approaches that will best help you when drafting discovery responses. This presentation addresses both state and federal discovery rules concerning written responses to interrogatories, request for admissions and document requests. (2.0 Hours)

Select Home Adoption Trials (DYFS In-service Program)

This presentation focuses upon the concerns advanced by the Courts and Defense Counsel when a goal of select home adoption is proposed by the Division. It also offers suggestions as to the legal strategies and critical factual and expert information needed to overcome those concerns. (1.8 Hours)

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

This course explores the use of the trial notebook as a tool to prepare for trial and to try cases. Among the topics covered is 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. (2.0 Hours)

Stark Law

This presentation discusses the Stark Law and its significant provisions, including strict liability and its relationship to the False Claims Act. Among the topics covered are settlement agreements that have been entered with doctors here in New Jersey, as well as litigation issues arising in several Stark Law cases, including those from a recent trial, one of only a handful nationwide. (2.0 Hours)

State Appellate Practice Seminar

This presentation on state appellate practice provides an overview of the court rules governing civil appeals in the Superior Court of New Jersey, Appellate Division and the Supreme Court of New Jersey, with particular emphasis upon appeals from state agency decisions. The presentation

provides an overview and practice points regarding civil motion practice in the appellate courts, emergent and interlocutory appeals, as well as adjudicative and rulemaking appeals. In addition, the seminar highlights significant appeals decided in the last Term as well as those pending before the Appellate Division and Supreme Court. This presentation provides an overview of DOL appellate policies and a survey of key court rules governing our practice before the Appellate Division and the Supreme Court of New Jersey. (2 Hours)

State House Round Table: Open Public Records Act (“OPRA”)

This presentation provides a basic overview of the requirements under the Open Public Records Act (“OPRA”). This program includes an examination of the OPRA law itself, and the requirements imposed thereunder upon all government employees, including attorneys and non-attorneys. The program also provides perspective and insights into the practical problems and legal issues which confront records custodians and their legal counsel on a daily basis. This presentation gives those attending the opportunity to participate in an informal question and answer period to discuss the intricacies of the requirements under OPRA. (1.2 Hours)

Strategic Trial Decisions in Termination of Parental Rights Cases (DYFS In-service Program)

This presentation discusses: 1) How to use the case management and pretrial conferences to your strategic advantage; 2) Developing and refining exhibit and witness lists; 3) Service issues, and 4) Practical suggestions for obtaining as much information as possible about the late-appearing defendant in order to meet the reasonable efforts and best interests standards. (1.2 Hours)

The Art and Science of Cross Examination (DYFS In-service Program)

This interactive workshop addresses both fundamental and advanced concepts of cross-examination. Subjects include the basic rules of cross examination, the science of proper impeachment techniques, more advanced issues regarding the cross examination of experts, and preparing witnesses for cross examination by your adversary. (1.2 Hours)

The Open Public Meetings Act in New Jersey

This presentation discusses the history of the Open Public Meetings Act in New Jersey and the key requirements under the current Act. Among the topics addressed are what a public body is, the several types of public notice, when a meeting occurs, the requirements of keeping minutes and making them available, and the nine exceptions that allow a public body to go into executive session, including the exceptions for personnel matters and the attorney client privilege. (2 Hours)

Update on New Jersey Employment Law

This presentation reviews and analyzes the past year’s most significant New Jersey employment law decisions. It also analyzes current hot topics in employment law, including post-*Stengart* e-mail policies, social media and networking issues, the impact of federal Whistleblowing bounties on CEPA claims, the new emphasis. (2 Hours)

CRIMINAL LAW

4th Annual CODIS Conference

The 2011 Combined DNA Index System ("CODIS") Conference focuses on the prosecution of criminal cases involving DNA evidence, including the direct exam of a DNA expert; an overview of CODIS and the process by which matches or "hits" are generated; and special issues that arise in handling post-conviction DNA cases. (3.9 Hours)

Basic Prosecutors' Course - Phase I¹

This two-day seminar series is the first phase of an integrated three-phase course designed for new assistant prosecutors and deputy attorneys general, which culminates with an intensive four-day trial advocacy program. (14.2 Hours)

Basic Prosecutors' Course - Phase II²

This two-day seminar series is the second phase of an integrated three-phase course designed for new assistant prosecutors and deputy attorneys general, which culminates with an intensive four-day trial advocacy program. (14.0 Hours)

Building a Good Factual Record and Designing a Persuasive Legal Argument in a Fourth Amendment Suppression Motion

This interactive seminar presents a practical approach to handling motions to suppress evidence by offering an easy-to-use analytical model that works in practically every kind of police-citizen encounter and that can help prosecutors quickly identify and resolve the legal and factual issues that are actually in dispute. The seminar includes an update on significant recent search and seizure decisions. The bulk of the seminar is devoted to building and then dissecting a fact pattern based upon an incomplete police report. Attendees are asked to ascertain the relevant facts, identify the legal issues, objectively evaluate the likelihood that evidence would be suppressed, determine how best to create a solid record at a suppression hearing, and marshal the strongest possible legal arguments in support of the admissibility of seized evidence. (3 Hours)

Comprehensive Witness Preparation - Proving and "Defending" The Prosecution's Case

Effective witness preparation is crucial to successful presentation at any trial. To insure such preparation, prosecutors should work closely with witnesses -- including experienced and sometimes 'reluctant to prep' law enforcement officers -- to develop a comprehensive approach to witness

¹ This program also includes an ethics component.

² This program also includes an ethics component.

testimony. This presentation will present strategies for: a prosecutor-witness team approach to develop a beyond the basics, through (and to some extent anticipatory) direct examination; presentation effectively preparing witnesses to withstand cross-examination; and preparing witnesses to spot and to then use opportunities during cross-examination to enhance credibility instead of detracting from it. The presentation also will reveal “tips and techniques” from the defense perspective for anticipating cross-examination of State witnesses and aspects of preparation of the defense case. (1.2 Hours)

Dealing with Defendants with Mental Health Issues: Pre-arrest Diversion thru Post-sentencing Commitment

This program addresses dealing with individuals with mental health issues within the Criminal Justice System from pre-arrest diversion programs through post-incarceration involuntary civil commitment. Among the topics discussed in the morning are an overview of mental illness, screening laws and pre-arrest diversion programs with an emphasis on Crisis Intervention Team training (CIT), police training and charging issues. The afternoon focuses on post arrest diversion and legal issues such as competency, insanity, diminished capacity and involuntary civil commitment. (6.5 Hours)

Division of Criminal Justice’s 2011 Appellate Symposium

This day-long symposium addresses hot topics and emerging issues in criminal law enforcement in New Jersey, including how to handle interlocutory appeals, emerging Second Amendment law, recent criminal law and procedure developments, and a “Q&A” session. (5.0 Hours)

Effective Openings and Summations in Criminal Trial

This seminar will focus on crafting and delivering effective opening statements and summations in criminal trials, including techniques for enhancing the persuasive power of the presentations, strategic issues that should be considered, as well as the legal and ethical pitfalls that should be avoided. (2.0 Hours)

How to Handle a Habeas Petition

This seminar discusses the ways to prepare an answer to a habeas petition and how to use the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) to successfully litigate habeas cases in the federal court. Topics include the one-year statute of limitations, equitable tolling, stay and abey motions, exhaustion and procedural default. There is also an update of recent habeas decisions from the United States Supreme Court. (2 Hours)

Human Trafficking for State Prosecutors³

This seminar includes an overview of human trafficking, an introduction to the legal framework – international, national, and state – regarding trafficking in persons, partnership models, victim issues, investigatory and interviewing techniques, and prosecutorial theories and practices. The second day of the seminar will be a workshop for prosecutors only and will include an ethics discussion based on a human trafficking case study. (12.7 Hours)

Immigration: The Interaction of Immigration Law and New Jersey Criminal Practice Post - *Padilla* - A Primer for Prosecutors

The issuance in 2007 of the New Jersey Attorney General's Guidelines governing the interaction of law enforcement with federal immigration authorities, and more recently the New Jersey Supreme Courts decision to allow higher bail against aliens facing deportation and this year's landmark United States Supreme Court decision in *Padilla v. Kentucky* that extends the Sixth Amendment guarantee of effective assistance of counsel to advice on deportation, all underscore how immigration law and criminal practice have become inextricably enmeshed. No less than criminal defense attorneys, county and state prosecutors should be conversant with the basics of immigration law and understand how these laws may impact upon prosecuting non-citizens. This presentation provides a general overview of relevant federal laws and important practice pointers for new and experienced prosecutors. (2 Hours)

Internet Crimes Against Children

This seminar offers a review of laws and evidence rules that come into play in "Internet Crimes against Children" ("ICAC") cases. Generally speaking, ICAC cases include child pornography offenses and Internet child predator offenses. This seminar explains the NCMEC CyberTip process that begins many ICAC cases. In child pornography offenses, particular attention is paid to AOL distribution and peer-to-peer file-sharing cases. In child predator offenses, particular attention is paid to so-called "traveler" cases and online exhibitionist cases. In addition, we look at a disturbing new type of ICAC case in which the perpetrator gets the child victim to send him a "sexting" image, often by pretending to be a teenager, and then extorts more images by threatening to post the image on Facebook or to report the child's behavior to their parents. Participants will leave the seminar armed with a better understanding of how to handle any type of ICAC case. (2.0 Hours)

New Jersey Asset Forfeiture: Taking the Profit Out of Crime

Learn how to strip criminals of their ill-gotten gains through asset forfeiture, using *N.J.S.A. 2C:64-1, et seq.*, to seize and ultimately forfeit assets derived from, or used in furtherance of, criminal activity. This program teaches detectives, investigators and attorneys to "think forfeiture" while conducting criminal investigations, with an eye toward making effective referrals to an asset forfeiture unit in complex cases, or toward prosecuting smaller cases yourselves. The session

³ This program also includes an ethics component.

provides simple, step-by-step guidelines for identifying potentially forfeitable assets, seizing assets and prosecuting a forfeiture case. (2 Hours)

New Jersey Search and Seizure Law: A Whirlwind Review Of Recent Cases and Hot Topics

This presentation discusses recent developments in the law of arrest, search and seizure, and will offer an easy-to-use analytical template that prosecutors can use to quickly spot and resolve Fourth Amendment issues. (1.2 Hours)

Overview of New Jersey Bail Rules and Practices

This presentation provides a general overview of current bail laws and practices, focusing on systemic deficiencies that undermine public safety. The presentation explores ways that prosecutors can help to promote bail reform. Course topics include: the “right to bail” under the New Jersey Constitution; preventive detention: myths and misconceptions about *State v. Johnson*; addressing witness/victim intimidation; the 10% option and “cash only” bail; addressing over-reliance on monetary bail: making greater use of non-monetary, conduct-based release conditions; the lack of a pre-trial services agency; bail source and sufficiency hearings; forfeiture of bail and “remission” practices; and opportunities for meaningful legislative reform (proposals and open discussion). (2.0 Hours)

Sentencing Law Update and Review

This presentation provides an update of sentencing law and a discussion of current issues. Topics included in this presentation include the No Early Release Act (“NERA”), extended terms and jail credit. (1.2 Hours)

The Division of Criminal Justice's 2011 Corruption Bureau Training⁴

This one-day seminar addresses the investigation and prosecution of public corruption cases in New Jersey. This seminar includes a legal overview, including a discussion of the applicable corruption statutes and recent case law, the enhanced penalties for public officials convicted of certain corruption crimes, and the Attorney General Guidelines Concerning Prosecutions of Public Officials. The program also includes an overview of the Election Law Enforcement Commission, including its jurisdiction, compliance with the "Campaign Act," practical use of ELEC's website, and essentials of the Pay-to-Play Law. Moreover, there is a discussion of the relationship of ELEC and prosecuting agencies, with emphasis on Title 19 violations and related crimes. Included within the program is an overview of the State election law requirements regarding voting eligibility and electoral procedures, with an emphasis on domicile requirements, the vote-by-mail law, and criminal-related issues that may arise on election day, including the prosecution of voter fraud and other election-related criminal offenses. Rounding out the program is an overview of the State Ethics Commission, its jurisdiction, the Code of Ethics and relevant Conflicts of Interest Law, and

⁴ This program also includes an ethics component.

compliance, and how the ethics component fits within criminal corruption investigations and prosecutions. (6.0 Hours)

“The Whirlwind Tour: Practically Everything a New Jersey Prosecutor Really Needs to Know About the Law of Search and Seizure, in An Hour or Two”

This seminar presents a “whirlwind tour” of New Jersey search and seizure law, featuring an easy-to-use analytical template that prosecutors can use to quickly determine whether a stop, frisk, arrest, or search is lawful under both the Fourth Amendment and Article 1, paragraph 7 of the New Jersey Constitution. This fast-paced and interactive presentation covers recent developments and trends as well as long-settled principles of search and seizure law. (2.0 Hours)

Victims of Crime Compensation Office Training Course

This program examines the laws and regulations governing eligibility and compensation of claim applications before the Victims of Crime Compensation Office ("VCCO"). Among the topics addressed is the structure of the VCCO, how to file an application, eligibility requirements, compensable crimes, compensable damages, catastrophic claims, subrogation, common reasons for denials and appeals before the VCC Review Board. (2 Hours)

Wade Issues

This seminar covers the history of and current issues in the law of Identification Procedures. Topics covered include understanding the Attorney General Guidelines, practical points to consider when conducting a *Wade* hearing, jury instructions to be used and the future of ID evidence in our courts. The course also provides an overview of the way in which our State Supreme Court has historically analyzed identification evidence and flags possible issues for future exploration. (2.0 Hours)

ETHICS

ABCs of Attorney Ethics in New Jersey

This course provides 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 is 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. (1.2 Hours)

Avoiding Professional Pitfalls

This program highlights some of the key professional responsibilities of a government attorney. This program addresses: 1- maintaining confidentiality; 2- identifying and handling conflicts of interest including when and how members of State Boards must recuse themselves; 3-avoiding delay; and 4-upholding standards of civility. (2.0 Hours)

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

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 focuses on identifying the issues and legal principles that arise from the application of *RPC. 4.2* to government attorneys, particularly in the context of investigating and prosecuting a criminal matter. Among the issues addressed are: What does *RPC 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 *RPC 4.2*? Are *ex parte* communications with represented persons ever authorized, particularly if the attorney believes that a crime may be ongoing? (2 Hours)

Current Issues in Ethics

This presentation focuses on conflict of interest issues, communications with those presented by counsel, and special responsibilities of criminal prosecutors. These issues will be discussed in terms of recent cases and news items. (2.0 Hours)

Ethical Issues and Considerations In Preparing Effective Opening Statements and Closing Arguments in Civil Trials (DYFS In-service Program)

This presentation focuses on the ethical issues in crafting and delivering effective opening statements and summations in civil trials, including techniques for enhancing the persuasive power of the presentations, strategic issues that should be considered, as well as the legal and ethical pitfalls that should be avoided. (2.0 Hours)

Ethical and Practical Considerations in Plea Bargaining

This presentation discusses ethical issues that can arise in connection with the plea bargaining process, and will also discuss some practical matters concerning the disposition of Grave's Act and school zone cases. (2.4 Hours)

Ethical Considerations of Plea Bargaining For Municipal Prosecutors

This program addresses the ethical considerations of plea bargaining in municipal court. In particular, the presenters focus on two areas where plea bargains have the potential for misuse in the municipal courts specifically, shoplifting offenses and DWI cases. (2.0 Hours)

Ethical Issues and Considerations in Preparing Effective Opening Statements and Closing Arguments in Civil Trials

This presentation focuses on the ethical issues in crafting and delivering effective opening statements and summations in civil trials, including techniques for enhancing the persuasive power of the presentations, strategic issues that should be considered, as well as the legal and ethical pitfalls that should be avoided. (2.0 Hours)

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 identifies ethical issues which often arise in settlement negotiations. It also provides approaches to those issues that fulfill both obligations. Among the issues for discussion is 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. (2.0 Hours)

Ethics of Witness Preparation (DYFS In-service Program)

This presentation discusses the duty of an attorney to prepare witnesses for trial and the ethical line between proper preparation and unethical coaching. Subjects include the keys to preparing for the testimony of clients and third party witnesses, discussing probable hostile cross-examination and the ethical limits of witness preparation. (1.2 Hours)

Ethics Requirements for State Executive Branch Employees

This course examines ethics requirements for employees of the executive branch of State government, which includes State departments, agencies, authorities, boards, commissions, colleges and universities. The course covers the Conflicts of Interest Law, *N.J.S.A. 52:13D-12 et seq.*, ethics rules, *N.J.A.C. 19:6.1 et seq.*, the Uniform Ethics Code and ethics-related ethics executive orders. The presentation addresses the most recent changes to the State executive branch ethics law and focus on specific subject areas most likely to affect executive branch attorneys, including how to comply with the ethics rules regarding gifts, attendance at events, outside activities, secondary

employment, conflicts of interest and post employment restrictions. Ethics requirements will be illustrated with case studies from the files of the New Jersey State Ethics Commission as well as recent court cases of special interest. **This session satisfies the mandatory ethics training requirement for State executive branch employees.** (2.0 Hours)

From the Courtroom to the Screening Room: *What Movies Can Teach us About Attorney Ethics*

Crime stories have been a staple of the American movie industry. Nothing can be more compelling than a good courtroom scene with attorneys battling for the hearts and minds of their jury panel. Movies such as *Anatomy of a Murder* have been dissected by legal ethicists over the years regarding how the attorney movie characters respond to the ethical challenges they face. This program is an interactive session where participants will view some classic movie courtroom scenes. Students are asked to identify the ethical issues that are raised and explain how they would resolve the ethical dilemma that is posed. (2.0 Hours)

How to Ethically Prosecute a Criminal Case And Avoid Reversible Error

This program focuses on the ethical issues and concerns faced by a prosecutor in handling a criminal case. Topics include the duty to present exculpatory evidence to the grand jury, discovery and *Brady* obligations, appropriate areas for cross-examination, and how to avoid reversible error in opening statements and summations. (2.0 Hours)

Lax Attorney Ethics -Lessons Learned from the Duke Lacrosse Rape Case

This ethics presentation uses the highly publicized 2006 Duke Lacrosse Rape Case as a backdrop to explore *RPC* 3.3, Candor Toward the Tribunal; *RPC* 3.4, Fairness to Opposing Party and Counsel; *RPC* 3.6, Trial Publicity; *RPC* 3.8, Special Responsibilities of a Prosecutor; and *RPC* 8.4 Misconduct. Although the course uses the Duke Lacrosse Case as a teaching tool, it is appropriate for both criminal and civil attorneys. (2.0 Hours)

Legal Issues & Social Media: Don't LOL . . . This is Serious Stuff

This 2-hour course explores ethical issues that the social media explosion is causing in the courtroom, from jurors obtaining information on their smart phones to lawyers "friending" judges that they appear before in court. This training uses real world examples to explain the social media impact and to make attorneys aware of *RPC* issues created by this technology. (2.0 Hours)

Navigating the Waters When Leaving L&PS

Attorneys leaving State Government are subject not only to the requirements of the Rules of Professional Responsibility (RPCs), but also of the Conflicts of Interest Law (COIL), *N.J.S.A. 52:13D-12 et seq.* This presentation focuses on the interplay between COIL and the RPCs, the restrictions governing a government employee's job search and post-government employment limitations on representation. (2.0 Hours)

Professionalism and Ethics in the Presentation of an Appeal

In observance of Professionalism Day, the New Jersey Superior Court - Appellate Division, the Office of the Attorney General/Department of Law & Public Safety and the Public Defender's Office presents a panel discussion on professionalism and ethics in appellate practice. The panel discussion focuses on the application of the Rules of Professional Conduct to appellate practice. There is also a discussion of professional obligations and courtesy to opposing counsel and to the court as well as a review of the *pro bono* programs. (1.2 Hours)

The Interplay of COIL and the Uniform Ethics Code When Leaving State Employment

This two-hour course focuses on the provisions of the Conflicts of Interest Law and the Uniform Ethics Code in regard to seeking future employment while still in State service and post-employment prohibitions. Included is a discussion of the "lifetime ban" imposed by *N.J.S.A. 52:13D-17* and its relationship to the Rules of Professional Conduct, in particular, *RPC 1.11* - Successive Government and Private Employment. (2.0 Hours)

The Prosecutor and the Press: An Ethics Primer

Historically a tension has existed between the prosecutor and the press. While the press can be used as a valuable conduit of information to quell community concerns, seek the public's assistance, or educate future jurors on criminal justice issues, there is also the concern that the press may leak sensitive case information or misinform the public on matters that could prejudice the outcome of a case. This presentation examines the role of the prosecutor in dealing with – and to a degree managing – the press. The presentation also addresses what are the prosecutor's legal and ethical obligations in dealing with press issues. (1.2 Hours)

Trial Ethics

This program covers the ethical issues that arise in the course of discovery, openings, cross-examination, and summation in criminal cases. Recent published and unpublished cases serve as fact patterns to illustrate the principles discussed. (2.0 Hours)

GENERAL APPLICATION

A Primer on State Homeland Security and Emergency Management Law

This presentation is an overview of the New Jersey Office of Homeland Security and Preparedness and of the statutory powers of the Governor, the Department of Health and Senior Services and other departments to deal with natural disasters and other emergencies occurring in this State. (3.2 Hours)

Supervisor Rights & Responsibilities under the State Policy Prohibiting Discrimination in the Workplace

This program discusses the basis of the State Policy Prohibiting Discrimination in the Workplace in federal and state statutes and regulations as well as the pertinent case law, with an emphasis on supervisors' rights and responsibilities under the Policy as set forth in *N.J.S.A. 11A:7-1 et seq.*, *N.J.A.C. 4A:7-1 et seq.*, and *13:13-1.1 et seq.* The importance of the FMLA, FLA, ADA, e-mail use policies, consensual personal relationship policies, retaliation, confidentiality and preventive strategies are discussed in relation to a supervisor's role in maintaining a workplace free of unlawful discrimination. **Participants will satisfy their requirement to attend mandatory training presented by the training coordinator of the Office of Equal Employment Opportunity during 2011.** (2.0 Hours)

SKILLS COURSES

Advanced Cross Examination & Impeachment

This one and a half day program provides “learn-by-doing” training in advanced cross-examination and impeachment techniques. Participants will hone their cross-examination and impeachment techniques by conducting examinations in a simulated courtroom setting, followed by faculty commentary and critiques. A presentation on advanced cross-examination and impeachment techniques will supplement participant performances and faculty critiques. The workshop exercises will focus on general cross-examination techniques, as well as impeachment by implausibility, prior inconsistent statements and impeachment by omission. (12.3 Hours)

Basic Prosecutors’ Course - Phase III⁵

This intensive 4-day trial advocacy program combines presentations and learn-by-doing workshops, culminating in a mock trial on the last day. The presentations, which will be by experienced assistant prosecutors and deputy attorneys general, will cover direct and cross-examination, advanced cross-examination and impeachment, persuasive use of exhibits, case theory, opening statements and closing arguments, the ethics of witness preparation, and pre-trial motions and making objections. The participants, in turn, will perform in a series of learn-by-doing workshops, in which they will incorporate what they learned from the presentations and others in dealing with discrete phases of the trial process. All participants then will "try" their case in a mock trial on the last day of the program. (28.5 Hours)

Deposition Training⁶

This two-day deposition skills program focuses on enhancing the skills needed to effectively elicit information and obtain admissions through depositions. Participants enhance their deposition skills through frequent opportunities to conduct deposition examinations and defend depositions in a simulated deposition setting, followed by faculty commentary and critique. Presentations on several topics relevant to effective depositions supplement participant performances and faculty critique. The exercises focus on witness preparation, dealing with preliminary matters, a technique for effectively eliciting complete information from witnesses, using exhibits, obtaining admissions and theory testing. (15.9 Hours)

International Money Laundering

The course introduces the concepts surrounding money laundering violations with an emphasis on "off shore" schemes, and provides a historical summary of the statutes, from cash reporting through the most current amendments to the federal money laundering statutes. It discusses how and why the statutes evolved and reviews the reports required. The course will cover the elements of proof needed to charge money laundering and currency reporting violations in both domestic and

⁵ This program also includes an ethics component.

⁶ This program also includes an ethics component.

international cases. A variety of schemes and case histories will be analyzed to assist in identifying and understanding the key elements used by professional money launderers. Investigative techniques such as financial search warrants, financial interviewing, and undercover operations, necessary for successful prosecutions, will be discussed and applied to various schemes. The course also deals with the sources of information available, emphasizing the techniques needed to obtain legally admissible evidence from foreign countries. In addition, those who attend will learn how to utilize identify sources of financial information to prove the amount of illegal income using the "Source and Application" method of proof. The class will be given a series of video scenarios, the participants will use techniques taught to investigate the various money laundering violations set forth in these scenarios. The participants will be introduced to "exotic" international money laundering schemes such as "Black Market Peso" currently used by high level drug dealers as well as the "Hawala" banking schemes used by terrorists currently facing today's law enforcement. (25.0 Hours)

Interview & Interrogation

This course is constructed specifically for law enforcement officers. The focus of training is to familiarize the new and seasoned investigator with the various disciplines of "detecting deception". This is accomplished through learning to read non-verbal body language, neurolinguistics, and by being introduced to the newest form of conducting detailed analysis of verbal and written statements. Although this program is intended primarily for law enforcement officers (including those investigators handling civil or administrative investigations), others, including attorneys and judges have participated and have provided varying perspectives on the issues being addressed. (29.0 Hours)

Negotiation and Dispute Resolution Workshop

This one-day workshop is specifically designed for attorneys and other legal professionals. Topics covered include: negotiation theory and practice, the differences between mediation and arbitration, as well as how to use mediation to settle court cases. Role-play and discussion are stressed in this highly interactive workshop. Participants who complete this one-day workshop may then choose to attend an additional two-day training program that will qualify them to apply to be on the NJ State Court Mediation Roster. (7 Hours)

Top Gun Class 39 - Investigating and Prosecuting Gang & Drug Cases

Top Gun is an intensive 6-day program designed to train police officers and prosecutors on substantive legal and practical skills using an effective combination of classroom lectures and practical exercises. Top Gun trains law enforcement officers and prosecutors *together*, so that each can understand the needs, problems, and concerns of the other. Each class consists of approximately 90 State, county and federal law enforcement officers and 16 State and county prosecutors, who receive classroom instruction together and are then divided into 8 Squads for practical exercises. The practical exercises are designed to challenge the students to apply their experience and the classroom knowledge in a real world setting. Each class requires nearly 70 faculty members drawn from many State, county, municipal and federal agencies. (4.8 Hours)

Top Gun Class 40 - Investigating and Prosecuting Gang & Drug Cases

Top Gun is an intensive 6-day program designed to train police officers and prosecutors on substantive legal and practical skills using an effective combination of classroom lectures and practical exercises. Top Gun trains law enforcement officers and prosecutors *together*, so that each can understand the needs, problems, and concerns of the other. Each class consists of approximately 90 State, county and federal law enforcement officers and 16 State and county prosecutors, who receive classroom instruction together and are then divided into 8 Squads for practical exercises. The practical exercises are designed to challenge the students to apply their experience and the classroom knowledge in a real world setting. Each class requires nearly 70 faculty members drawn from many State, county, municipal and federal agencies. (5.9 Hours)

Trial Advocacy Training⁷

This intensive 4-day trial advocacy program combines presentations and learn-by-doing workshops, culminating in a mock trial on the last day. The presentations, are by experienced NAGTRI faculty, and cover direct and cross examination, advanced cross examination and impeachment, persuasive use of exhibits, case theory, opening statements, closing arguments, and the ethics of witness preparation. The participants, in turn, perform in a series of learn-by-doing workshops, in which they incorporate what they learned from the presentations and others in dealing with discrete phases of the trial process. All participants then "try" their case in a mock trial on the last day of the program. (25.2 Hours)

⁷ This program also includes an ethics component.