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## PROGRAM ANNOUNCEMENT

*The Advocacy Institute Is Pleased to Present*

### HOW TO BE AN EFFECTIVE ADVOCATE IN MEDIATION

**May 31, 2017**

**10:00 a.m. – 12:00 p.m.**

**Richard J. Hughes Justice Complex**

**6<sup>th</sup> Floor Point Meeting Area – Attorney General's Library**

**25 Market Street**

**Trenton, New Jersey**

### **PLEASE READ: NOTICE REGARDING COURSE MATERIALS**

All materials for New Jersey Attorney General's Advocacy Institute continuing legal education courses are now available electronically through the Advocacy Institute website: [www.njadvocacyinstitute.com](http://www.njadvocacyinstitute.com). Materials will be posted to the website approximately forty-eight (48) hours prior to the course date.

The institute will no longer provide paper copies of course materials. This policy is effective immediately and is within the guidelines of the New Jersey Board of Continuing Legal Education and the Pennsylvania Continuing Legal Education Board. Please follow the procedure below to obtain course materials:

- Click on the Course Information tab.
- Select Course Materials from the drop-down menu.
- Click on the course that you are registered for. Courses are listed alphabetically by title.
- Most courses will have two files; a file containing class materials that you should bring to the session and a file with reference materials such as statutes, regulations and cases.
- Print the documents in the class materials file and bring them with you to the session.
- You have the option of printing the documents in the reference materials file or downloading them to a computer or mobile device.

### ***Program Summary***

This course will discuss the Ten "Do's and Don'ts" of presenting your case from the mediator's perspective. Topics include: the value of both the initial conference call and a pre-mediation meeting with counsel and the mediator, mediation statements, pre-mediation discovery, and using the mediator as discovery master. The presenters will discuss strategies for negotiating and getting the settlement into writing. Additionally, a brief overview will be given of Rule 1:40 of the court mediation program and the role of the New Jersey Office of Dispute Settlement.

The course will conclude with a discussion of negotiating and mediating environmental claims with the New Jersey Department of Environmental Protection and the United States

Environmental Protection Agency.

### ***Who Should Attend?***

This program will be of special interest to attorneys handling environmental matters, but is open to all government attorneys, space allowing.

### ***Who Is the Faculty?***

**Ray Papperman, Esq.** has more than thirty years of experience as a lawyer, most recently as Deputy Advisor to the Commissioner at the NJ DEP. In addition to advising the Commissioner, Ray is the Director of the Office of Dispute Resolution, DEP's Ethics Liaison Officer and often acts as DEP's liaison with the Division of Law. Before coming to the DEP in 2013, Ray's practice focused on environmental law and litigation, alternative dispute resolution and land use law.

Ray is a past chair of the New Jersey State Bar Association's Environmental Law Section. He is also a member of the American Bar Association and a past Vice Chair of the Toxic Tort and Environmental Law Committee. Ray has been a frequent speaker and author on a host of environmental and land use topics. Ray has extensive experience in Alternative Dispute Resolution, especially in the environmental area, having handled hundreds of such cases. He was named to the New Jersey Judiciary's roster of mediators for the statewide mediation program, focusing on this area prior to joining the NJDEP. Ray is also a master of the New Jersey American Environmental Inn of Court, where he continues to serve on the Executive Committee.

Ray is a graduate of Hobart College and received his J.D. from Tulane University Law School. He is admitted to the bars of New Jersey, of the Third Circuit Court of Appeals and the U.S. Supreme Court.

**Lewis J. Pepperman, Esq.** is a Shareholder and Chair of Stark & Stark's Business Group practices. He has over forty years of experience as a civil trial attorney in the Federal and State Courts, concentrating in the areas of commercial, corporate and probate trial work. He is an experienced Mediator, Arbitrator, Discovery Master and Receiver. Several cases litigated by Mr. Pepperman have resulted in reported and published decisions, in some instances changing the state of the law in New Jersey.

Mr. Pepperman is frequently appointed by the Courts and chosen by private parties to mediate and arbitrate contested matters. He has mediated and resolved hundreds of cases involving commercial, corporate, real estate and employment matters and focuses on mediating business shareholder disputes and contested probate matters. In addition to serving as a mediator and arbitrator, Mr. Pepperman is also frequently appointed by the Courts and chosen by private parties to serve as a Receiver and Special Discovery Master. Mr. Pepperman has lectured in the areas of creditors' rights, general litigation and mediation, and has co-authored several manuals in these areas.

Mr. Pepperman is a frequent lecturer for the New Jersey Continuing Legal Education approved program of Advanced Mediation Training with the New Jersey office of Dispute Settlement. He has been appointed and serves as a member of the New Jersey Supreme Court Committee on Complimentary Dispute Resolution, serves as a panel arbitrator for the Superior Court of New Jersey, Law Division, Mercer County and as a foreclosure mediator for the Superior Court of New Jersey, Chancery Division, Mercer County. Mr. Pepperman often serves as a mentor of newly approved mediators and is a member of the New Jersey Chapter of the National Academy of Distinguished Neutrals. Mr. Pepperman was also certified by The Supreme Court of NJ as a Certified Civil Trial Attorney and previously served as a Bankruptcy Panel Trustee for the Office of the United States Trustee Department of Justice.

**Joe Siegel, Esq.** is an Environmental Collaboration and Conflict Resolution Specialist and Senior Attorney with the U.S. Environmental Protection Agency, Region 2, Office of Regional Counsel in New York, where he has worked for 30 years. He serves as a neutral on a wide variety of environmental matters and also specializes in climate change and air pollution law and policy. He co-chairs EPA Region 2's Climate Change Workgroup, is the Lead Regional Attorney for climate change, and runs the Region's Environmental Collaboration and Conflict Resolution Program. In his work as a neutral facilitator, Joe seeks to build bridges between diverse stakeholders and arrive at collaborative solutions. He has applied these approaches to a wide variety of environmental matters, including climate change, sustainability, environmental justice estuaries, and water pollution.

Joe is also an Adjunct Professor at Hofstra Law School where he teaches a course on Environmental Dispute Resolution. In addition, he has been teaching in Pace Law School's JD and post-graduate LLM programs since 2000. He has taught the Clean Air Act course, Climate Change Seminar, and Adaptation to Climate Change course. He is also a Founding Advisor to the Kheel Center on the Resolution of Environmental Interest Disputes and was a member of the Advisory Group to the United Nations Environment Programme and Permanent Court of Arbitration on environmental dispute resolution and dispute avoidance. He was also an Adjunct Professor of environmental law for 11 years at CUNY Law School at Queens College.

Joe has served as Chair of the American Bar Association's (ABA's) Alternative Dispute Resolution Committee and the Climate Change, Sustainable Development and Ecosystems Committee in the Section of Environment, Energy and Resources. He also served as Vice-Chair of the ABA Renewable Energy Resources Committee, editor of the Energy Committees Newsletter, and on the Advisory Board of the ABA Dispute Resolution Section. Joe is a certified mediator in Westchester County and a former community mediation volunteer for the Westchester Mediation Center. Joe is a frequent lecturer and writer on climate change as well as Alternative Dispute Resolution. He received a BA from Wesleyan University and a JD from Hofstra Law School.

### ***CLE Credit***

**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).

## **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: [njagai@njoag.gov](mailto:njagai@njoag.gov) 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.