



PROGRAM ANNOUNCEMENT

The Advocacy Institute Is Pleased to Present

2017 BASIC CIVIL AND ADMINISTRATIVE PRACTICE

October 12 & 13, 2017

October 12, 2017 - 9:15 a.m. to 3:45 p.m.

October 13, 2016 – 9:00 a.m. to 4:15 p.m.

**Richard J. Hughes Justice Complex
6th Floor Point Meeting Area - Attorney General's Library
25 Market Street
Trenton, New Jersey**

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 two-day presentation is designed for the Division of Law's newly hired Deputy Attorneys General and volunteer attorneys. The first day of this program will address Client Services, Ethics, Appellate Practice and Election Law. The second day of the program will address Representing State Agencies, SharePoint Basics, Lawyering Written Agreements for State Agencies, Implicit Bias and Practical Information for DAsG.

Who Should Attend?

This program is mandatory for Division of Law Deputy Attorneys General hired in 2016 and 2017 who have not previously completed the Basic Civil and Administrative Practice series of courses. DOL deputies who are required to take this program must register for all nine (9) sessions.

This program is also strongly recommended for DOL volunteer attorneys. Other DOL deputies are welcome to attend individual sessions, space permitting. Please do not attempt to register for this program if you are not an attorney within the Division of Law.

Who Is the Faculty?

Please see attached list.

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 up to 9.3 hours of total CLE credit. Of these, 2.7 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: Up to 6 Substantive Credits and 2 Ethics Credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: Up to 5 Substantive Credits and 2 Ethics Credits (\$1.50 per credit 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 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

OCTOBER 12, 2017

9:00 a.m. to 9:45 a.m. Registration

9:45 a.m. to 10:00 a.m. Welcome

10:00 a.m. to 11:00 a.m. **CLIENT SERVICES**

Client services are an integral part of the practice of law. To a large degree your success as an attorney is linked to how well you can meet the needs of your client. This program covers your responsibilities in representing clients. It will also address time keeping practices designed to better assist both deputies and their clients.

AAG Michelle L. Miller was appointed Acting Director of the Division of Law effective July 13, 2015. Ms. Miller joined the DOL in 1995 as a Deputy Attorney General in the then Education, Health & Human Services Section. She became an Assistant Section Chief of that section in 1999 and in 2003 was appointed Section Chief. While in the Education Section, Ms. Miller worked on many notable cases including *Abbott v. Burke*. Ms. Miller remained Section Chief until 2010, when she assumed the post of AAG in Charge of the Administrative Practice Group. In 2014, she was appointed as a Deputy Director of the Division of Law, as such, she continued to have significant involvement in the Administrative Practice Group and focused on the Division's administrative issues including hiring, training and other personnel matters, billing practices, and effective case management.

Prior to joining the DOL, Ms. Miller completed an Appellate Division clerkship with the Honorable Ermine Lane Conley. She received her law degree from Seton Hall University School of Law. She holds a Bachelor's Degree in English Language and Literature from Fairleigh Dickinson University where she graduated Summa Cum Laude.

NJ CLE Credit: This program has 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, 0.0 qualify as hours of credit for ethics/professionalism.

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

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

11:00 a.m. to 11:15 a.m. Break

11:15 a.m. to 12:30 p.m. **ETHICS, THE STRUCTURE OF STATE GOVERNMENT AND WHAT IT MEANS TO BE A GOVERNMENT LAWYER**

This program will discuss the unique role of the Attorney General under the New Jersey Constitution and the specific duties of a government lawyer under R.P.C.s 1.1, 1.3, 1.4, 1.6, 1.11 and 1.13.

AAG Joseph Fanaroff provides advice to State agencies to ensure compliance with relevant ethics and conflicts of interest rules. Prior to his current assignment, AAG Fanaroff served as a Special Assistant to the Attorney General, providing strategic counsel and advice regarding the implementation of criminal justice policy in New Jersey, with a specific focus on crime suppression, crime prevention, and prisoner reentry. Mr. Fanaroff also served on several commissions charged with examining violence in the State of New Jersey. He was a member of the Study Commission on Violence, served as a member of the Governor's Task Force for Recidivism Reduction, and as staff to the New Jersey SAFE Task Force on Gun Control. He has twice been awarded the Attorney General's Award for Outstanding Service.

AAG Fanaroff began his career in the Department of Law and Public Safety in 2004. He was briefly assigned to the Election Law Section and then served for more than four years as a DAG in the Cost Recovery Section of the Environmental Practice Group. He represented the New Jersey Department of Environmental Protection in spill clean-up and natural resource recovery litigation filed against polluters of soils and groundwater. He also assisted on several complex litigation matters involving the separation of federal and state powers and appeared before the Appellate Division on behalf of the Departments of Environmental Protection, Children and Families, Corrections, and Labor and Workforce Development.

Before moving to New Jersey in 2004, Mr. Fanaroff resided in the Washington, D.C. area where he held positions at The White House and the U.S. Department of Justice. Upon his departure from federal employment, Mr. Fanaroff worked for The METEC Group, a financial services firm in Arlington, Virginia and for a legal services contractor.

Mr. Fanaroff received his Juris Doctorate from the George Washington University Law School and his Bachelor of Science degree, *cum laude*, in Criminal Justice from the University of Delaware.

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 hours of total CLE credit. Of these, 1.5 qualifies as hours of credit for ethics/professionalism.

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

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

12:30 p.m. to 1:30 p.m.

LUNCH

1:30 p.m. to 2:30 p.m.

APPELLATE PRACTICE

This presentation on State appellate practice will provide 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. It will cover practice points regarding civil motion practice in the appellate courts,

emergent and interlocutory appeals, and adjudicative and rulemaking appeals. It will also address the Division of Law's appellate policies and include a survey of key court rules governing our practice before the Appellate Division and the Supreme Court of New Jersey.

Melissa Dutton Schaffer is currently an Assistant Attorney General in the Appeals Practice Group of the Division of Law, which is responsible for the overall management, supervision and policy direction for all State and federal court appeals throughout the Division. Melissa briefly served as Associate General Counsel for The College of New Jersey from August 2013 through January 2015. Prior to that, Melissa was the Section Chief of the Division's Education/Higher Education Section. In this capacity, she oversaw the representation and counseling of the Department of Education, the Secretary of Higher Education, and all of the State Colleges. She represented her clients in a variety of complex education matters in administrative, State and federal court at both the trial and appellate levels. Melissa joined the Division in 2005, following her time as a staff attorney in the public interest sector in Philadelphia, PA. She received her J.D. from Widener University School of Law in 2002 and a B.A. from Rutgers University, Camden in 1998.

Assistant Attorney General Melissa Raksa has been the AAG in Charge of the Appellate Practice Group since 2011. She, along with her colleagues AAsG Melissa Dutton Schaffer and Jason Rockwell, oversees the Division's appellate work. The Division handles about 2,000 appeals each year filed in the Appellate Division, the Supreme Court of New Jersey, the Court of Appeals for the Third Circuit and the Supreme Court of the United States. She began as an AAG for Appeals in 2008 and during her tenure with the Division has been 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.

AAG Jason Rockwell recently joined the Appeals Practice Group and along with AAG in Charge Melissa Raksa and AAG Melissa Schaffer now helps to oversee appeals on a division-wide basis. Jason originally joined the DOL in 2016 as an AAG in the Environmental Practice Group. He is a seasoned litigator with over 17 years of legal experience. Prior to joining the DOL, Jason was with the law firm of Locke Lord LLP where he represented clients in complex civil litigation. Previously, he was at Patton Boggs LLP and Latham & Watkins LLP. Jason focused his practice on critical motions and appeals, drafting briefs for submission in the United States Supreme Court, the United States Courts of Appeals for the D.C., Second, and Third Circuits, New Jersey and New York appellate courts, and numerous United States District Courts. Jason also served as a judicial clerk to the Honorable Garrett E. Brown, Jr., U.S.D.J., and the Honorable James J. Petrella, P.J.A.D. Jason is a *cum laude* graduate of Seton Hall University School of Law and a graduate of Rutgers University.

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

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

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

2:30 p.m. to 2:45 p.m. Break

2:45 p.m. to 3:45 p.m. **ELECTION DUTY 101- A PRIMER FOR DEPUTIES**

This course is designed to prepare deputies for their Election Day duties. They will learn about the work of county election officials, legal and non-legal issues they are likely to encounter, and their roles as both counselor and advocate.

AAG Todd Wigder has represented a wide variety of State agencies over the course of more than 30 years as a lawyer with the Attorney General's office, appearing at every level of the State and Federal court systems and arguing more than 10 cases before the New Jersey Supreme Court. In early 2016, Todd became responsible for managing all of the legal work that the Attorney General's office provides for the State's Division of Elections and for the Superintendents of Election and Boards of election in each State's 21 counties.

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

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

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

OCTOBER 13, 2017

9:00 a.m. to 9:30 a.m. Registration

9:30 a.m. to 10:45 a.m. **REPRESENTING STATE AGENCIES**

This presentation will provide an overview of issues related to Upjohn Co. v. United States, 449 U.S. 383 (1981), RPC 1.13 and RPC 4.3. This presentation will also provide an overview of DOL policies governing issuance of litigation holds, acceptance of service and handling and responding to requests for representation.

AAG Michael C. Walters is the Assistant Attorney General in Charge of Litigation. He was the Section Chief of the Education & Higher Education Section, Division of Law until early September 2012. In this capacity, he supervised the coordination and development of litigation strategy for representation of the New Jersey Department of Education and New Jersey colleges and universities. He was responsible for a variety of complex cases involving federal and state constitutional issues, civil rights, the IDEA, the Rehabilitation Act, the ADA and the NJLAD. AAG Walters was responsible for multiple federal class action lawsuits relating to such issues. He has provided legal analysis on proposed legislation related to education law and legal advice to the New Jersey Department of Education on a variety of issues including special education and school funding. AAG Walters advised the New Jersey State Board of Examiners on issues related to the insurance and revocation of teaching certificates. He has briefed and argued several cases involving a wide range of issues before the United States District Court for the District of New Jersey, the New Jersey Appellate Division and the Third Circuit Court of Appeals. AAG Walters has also handled numerous *Abbott v. Burke* supplemental funding appeals from the administrative hearing through subsequent appeals. He began his career as a law clerk for The Honorable Myron H. Gottlieb, J.S.C and graduated from Rutgers School Law in 1998.

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 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: 1.0 substantive credit (\$1.50 mandatory registration fee required).

10:45 a.m. to 11:00 a.m. Break

11:00 a.m. to 11:45 a.m. **SHAREPOINT BASICS**

This course is an introduction to the Division of Law's Document Management System (DMS) in Microsoft SharePoint. Topics include: accessing and searching the DMS with Internet Explorer; using MacroView to find matters, upload documents and edit metadata; saving new Microsoft Office documents directly to SharePoint; the check-in/check-out process and versioning; DMS access from Case Tracking and Outlook.

Greg Chiaramonti has been a computer software instructor with the Office of the Attorney General's IT Department since 2005. He received a Bachelor of Fine Arts in Graphic Design, with a Specialization in Computer Graphics and Animation, in 1994 from The College of New Jersey. After an internship with MTV Networks in New York City, Greg traveled throughout the United States designing and supporting video presentations and interactive kiosks at large corporate events for the financial and pharmaceutical industries. In 1997, Greg became a graphic designer for the in-house creative agency of Bloomberg L.P. in Princeton, NJ, where he art-directed and designed award-winning advertisements, illustrations and presentations to promote Bloomberg's financial data systems, television and other media products.

(This course is not eligible for CLE credit.)

11:45 a.m. to 12:45 p.m. Lunch

12:45 p.m. to 2:00 p.m. **“LAWYERING” WRITTEN AGREEMENTS
(MOUs, MOAs, Contracts) FOR STATE ENTITIES**

This presentation will offer deputies a framework for reviewing, drafting or revising a written agreement for State entity clients. The presentation will focus on how to “lawyer” an agreement for an agency client, including ways to improve the client’s ability to maximize the benefits of a written agreement and to protect the client from the risks that can arise from a written agreement. Benefits include ensuring that the client actually receives what it wants and needs from the other party to an agreement so the client can pursue its public policy and statutory missions. Risks include breach of contract (by either party), disagreement between the parties as to what the written agreement means, confidentiality breaches, audit risks and many others. This presentation is designed for attorneys of all experience levels, including newer attorneys and those with limited experience representing public entities.

Christopher Edwards is an AAG in the Financial Affairs Practice Group, and has been with the Division of Law for over eight years. Prior to his appointment as an AAG, Chris served as an Assistant Section Chief of the Transportation, Construction and Condemnation Section of the Division of Law. AAG Edwards counsels all State agencies regarding construction and transportation issues, and assists AAG Beth Mitchell with advising all State entities with contract procurements, contracts and other written agreements, contract and agreement disputes and contract claims. Chris obtained his BA, *summa cum laude*, from Pace University, and his juris doctorate from Harvard Law School.

Kavin K. Mistry is an AAG in the Financial Affairs Practice Group and has been with the Division of Law for over 16 years. Prior to his appointment as an AAG, he served as an Assistant Section Chief in the former Treasury Section (now known as the Pensions & Financial Transactions Section) and prior to that as a Deputy Attorney General in the Public Finance assignment of the former Treasury Section. He counsels the State and State agencies on public finance matters and represents the State and State agencies as issuer's counsel on bond and note financings. AAG Mistry assists AAG Susan K. Fischer with budget/appropriations questions and matters involving the Division of Taxation. AAG Mistry also supervises matters concerning the Community Health Care Assets Protection Act and dealing with charitable estates & trusts. AAG

Mistry represents the New Jersey Housing and Mortgage Finance Agency, the New Jersey Building Authority and the New Jersey Public Broadcasting Authority, serving in a role akin to general counsel. AAG Mistry received his B.A. from Rutgers, The State University and his J.D. from Rutgers School of Law-Camden.

Beth Leigh Mitchell is the AAG in charge of State-Wide Contracting and Procurement in the Financial Affairs Practice Group. In that capacity she advises all State entities and assists DAsG in all sections advising on contract procurements, contracts and other written agreements, contract and agreement disputes and contract claims, as well as on State grant programs and federal requirements impacting contracts and grants. She has been with the Division of Law since 1998 and the Financial Affairs Practice Group since 2008. Prior to 2008 she was an Assistant Section Chief in the HHS section. She received her Bachelor of Fine Arts from Rhode Island School of Design and her J.D. from Rutgers University School of Law, Newark, NJ.

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 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: 1.0 substantive credit (\$1.50 mandatory registration fee required).

2:00 p.m. to 2:15 p.m.

Break

2:15 p.m. to 3:15 p.m.

**RAISING CONSCIOUSNESS: IMPLICIT BIAS
INTERRUPTED**

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 counselling 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 counselling 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 ethics credit (pursuant to the approved jurisdiction policy).

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

3:15 p.m. to 3:30 p.m. Break

3:30 p.m. to 4:15 p.m. **DAG BASICS:
PRACTICAL INFORMATION
EVERY DAG NEEDS TO KNOW**

In this program, DAsG will learn important and practical information regarding how to make their way within the DOL including how to: obtain expense reimbursement; submit a travel request; submit an IT ticket; request approval for outside activities; and who to contact with employee benefits questions such as medical leave, and much, much more.

Susan Olgiati has served as the Chief of Staff for the Division of Law since 2012. Prior to this, Susan worked as a DAG in the Employment Counseling Section. She also worked in the OAG Legal Affairs Unit where she provided employment counseling advice to the Department of Law

& Public Safety. She worked as a line DAG in the former Fedcor Section where she handled employment litigation cases. Susan also worked as a litigation associate with the law firm of Smith Stratton Wise Heher & Brennan. Prior to joining the DOL, she served a judicial clerkship with the Honorable Maurice A. Walsh, J.S.C., Criminal Division. Susan is a graduate of Seton Hall University School of Law and The College of New Jersey.

(This course is not eligible for CLE credit.)