



Garden State CLE
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Required: Secret words that appeared on the screen during the seminar.

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I certify that I watched, in its entirety, the above-listed CLE Course.

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GARDEN STATE CLE

Television and NJ Lawyers

1.5 credit course

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LESSON PLAN AND EVALUATION FORM***

Featuring

***Robert Ramsey, Esq.
Garden State CLE Senior Instructor***

and

***Jack Furlong
Certified Criminal Trial Attorney***

Rules of Professional Conduct

RPC 1.2 Scope of Representation and Allocation of Authority between Client and Lawyer

(a) A lawyer shall abide by a client's decisions concerning the scope and objectives of representation, subject to paragraphs (c) and (d), and as required by RPC 1.4 shall consult with the client about the means to pursue them. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall consult with the client and, following consultation, shall abide by the client's decision on the plea to be entered, jury trial, and whether the client will testify.

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

(d) A lawyer shall not counsel or assist a client in conduct that the lawyer knows is illegal, criminal or fraudulent, or in the preparation of a written instrument containing terms the lawyer knows are expressly prohibited by law, but a lawyer may counsel or assist a client in a good faith effort to determine the validity, scope, meaning or application of the law.

A lawyer may counsel a client regarding New Jersey's medical marijuana laws and assist the client to engage in conduct that the lawyer reasonably believes is authorized by those laws. The lawyer shall also advise the client regarding related federal law and policy.

RPC 1.4 Communication

- (a)** A lawyer shall fully inform a prospective client of how, when, and where the client may communicate with the lawyer.
- (b)** A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
- (c)** A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
- (d)** When a lawyer knows that a client expects assistance not permitted by the Rules of Professional Conduct or other law, the lawyer shall advise the client of the relevant limitations on the lawyer's conduct.

RPC 1.6 Confidentiality of Information

- (a)** A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation
- (d)(5)** to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership, or resulting from the sale of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client. Any information so disclosed may be used or further disclosed only to the extent necessary to detect and resolve conflicts of interest.
- (f)** A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

RPC 3.5 Impartiality and Decorum of the Tribunal

A lawyer shall not:

- (a)** seek to influence a judge, juror, prospective juror or other official by means prohibited by law;
- (b)** communicate ex parte with such a person except as permitted by law;
- (c)** engage in conduct intended to disrupt a tribunal; or
- (d)** contact or have discussions with a judge or other adjudicative officer, arbitrator, mediator, or other third-party neutral (hereinafter "judge") about the judge's post-retirement employment while the lawyer (or a law firm with or for whom the lawyer is a partner, associate, counsel, or contractor) is involved in a pending matter in which the judge is participating personally and substantially.

RPC 3.6 Trial Publicity

(a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will have a substantial likelihood of materially prejudicing an adjudicative proceeding.

(b) Notwithstanding paragraph (a), a lawyer may state:

(1) the claim, offense, or defense involved and, except when prohibited by law, the identity of the persons involved;

(2) the information contained in a public record;

(3) that an investigation of the matter is in progress;

(4) the scheduling or result of any step in litigation;

(5) a request for assistance in obtaining evidence and information necessary thereto;

(6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and

(7) in a criminal case, in addition to subparagraphs (1) through (6):

(i) the identity, residence, occupation and family status of the accused;

(ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;

(iii) the fact, time and place of arrest; and

(iv) the identity of investigating and arresting officers or agencies and the length of the investigation.

(c) Notwithstanding paragraph (a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.

RPC 4.2 Communication with Person Represented by Counsel

In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows, or by the exercise of reasonable diligence should know, to be represented by another lawyer in the matter, including members of an organization's litigation control group as defined by RPC 1.13, unless the lawyer has the consent of the other lawyer, or is authorized by law or court order to do so, or unless the sole purpose of the communication is to ascertain whether the person is in fact represented. Reasonable diligence shall include, but not be limited to, a specific inquiry of the person as to whether that person is represented by counsel. Nothing in this rule shall, however, preclude a lawyer from counseling or representing a member or former member of an organization's litigation control group who seeks independent legal advice.

RPC 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (a)** violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b)** commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c)** engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d)** engage in conduct that is prejudicial to the administration of justice;
- (e)** state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;
- (f)** knowingly assist a judge or judicial officer in conduct that is a violation of the Code of Judicial Conduct or other law;
- (g)** engage, in a professional capacity, in conduct involving discrimination (except employment discrimination unless resulting in a final agency or judicial determination) because of race, color, religion, age, sex, sexual orientation, national origin, language, marital status, socioeconomic status, or handicap where the conduct is intended or likely to cause harm.

Rule 1:6-2. Form of Motion; Hearing***(b)(2) Motion for Dismissal Pursuant to N.J.S.A 2A:53A-40***

A party moving for dismissal of the action on the ground of non-involvement in the cause of action pursuant to N.J.S.A. 2A:53A-40 of the New Jersey Medical Care Access and Responsibility and Patients First Act, N.J.S.A. 2A:53A-37 to 42, shall annex to the notice of motion an affidavit of non-involvement that complies with Rule 1:6-6. In the absence of opposition filed in accordance with Rule 1:6-3, the court shall enter an order dismissing the action as to the moving party. If opposition is filed, the court shall proceed in accordance with this rule.

Rule 3:22-4(a)

(2) that enforcement of the bar to preclude claims, including one for ineffective assistance of counsel, would result in fundamental injustice.

New Jersey Code of Judicial Conduct

Canon 3 : A judge shall perform the duties of judicial office impartially and diligently

RULE 3.12 Communication with Jurors (A) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding. **(B)** Following the verdict, a judge may express appreciation to jurors for their service to the judicial system and the community in open court and in the presence of counsel or the parties. A judge may not have post-verdict discussions with jurors, unless those discussions are part of a hearing ordered on good cause shown pursuant to ***Rule 1:16-1.***

Statutes and Case Law

Perjury -18 U.S. Code § 1621

N.J.S.A. 2C:25-17 - Prevention of Domestic Violence Act of 1991

N.J.S.A. 2C:11-3 - Murder

N.J.S.A. 2C:11-4 - Manslaughter

N.J.S.A. 2C:11-4(1) - Reckless Manslaughter

N.J.S.A. 2C:11-5 - Death by auto or vessel

N.J.S.A. 2C:17-1 - Aggravated Arson

N.J.S.A. 9:6-8.21 - Child Abuse

N.J.S.A. 2C:7-1 thru 11 - Megan's Law

N.J.S.A. 43-6(c) - Graves Act

Brady v. Maryland, 373 U.S. 83 (1963)

a landmark United States Supreme Court case that established that the prosecution must turn over all evidence that might exonerate the defendant to the defense.

New Jersey Pretrial Interventions (PTIs)

- Conditional Discharges (N.J.S.A. 2C:36A-1)
- Conditional Dismissal (2C:43-13.8)