NAGTRI Academy: Civility, Effective Leadership, and Ethical Lawyering
Concurrent Sessions

PLENARY SESSIONS

Why Civility Matters: This moderated discussion between state attorneys general will focus on the importance of civility in all facets of an attorney general offices' work.

AG Powers and Duties: The office of state attorney general is unique because of its roots in English common law and its independence from the legislative branch, and in many cases, from the governor and executive branch agencies. The attorney general frequently must decide how to resolve claims against the state, how to ensure enforcement actions are appropriate and effective, and if, when and how to defend state actions. This session will address the legal and ethical issues raised by the exercise of the attorney general's authority as chief legal officer of the state.

Managing and Overcoming Workplace Conflict: Discussion of constructive conflict (especially in the context of civility); types of organizational and individual conflict; alternative conflict handling modes.

A View from the Bench: This moderated discussion between federal and state court judges will look at appropriate attorney conduct in the courtroom and throughout the litigation process. Panelists will discuss lawyer conduct in light of ethical precepts, etiquette, courtroom decorum, and the overall solemnity of the judicial process. Through the collective wisdom and experience of the judges gathered for this discussion, attendees will leave with concrete examples of exemplary and unsatisfactory attorney advocacy and what judges expect of them during the litigation process.


CONCURRENT SESSIONS

From the Swamps of Jersey to the Louisiana Bayou: Government Ethics Requirements for Attorneys and Non-Lawyer AG Staff: This program will explore government ethics requirements beyond the Rules of Professional Conduct for both attorneys and non-lawyer staff in AG offices, comparing and contrasting New Jersey and Louisiana ethics standards. Areas covered will include acceptance of gifts, outside employment and volunteer activities and misuse of confidential information and official position. Topics will be illustrated with strange but true tales from the files of the New Jersey and Louisiana State Ethics Commissions.

On the Same Side of the V: Issues Involving Co-Plaintiffs, Co-Defendants, and Complex Settlements (Closed to AGO only): In some large consumer or antitrust matters, state AGs may be suing defendants that
are simultaneously being sued by private counsel representing a consumer class on related claims arising out of the same facts. As a matter of civility and strategy, to what extent should AGs consider coordinating with private class-action counsel in managing ongoing investigation or litigation, particularly where proof of claims may overlap? In cases where a defendant may seek a global settlement of all related claims, what should AGs consider when negotiating and coordinating penalties paid to the state as well as relief to consumer under the private claims and/or state AG actions?

**Management Practices that Promote Effective Leadership Part I: Effective Management Practices**

This two-part session will provide a comprehensive interactive discussion of employee hire/retention, motivation and engagement interface with performance management. In Part I, attendees will participate in an experiential activity involving performance management and small group discussion with debrief that summarizes content covering motivation and engagement.

**Management Practices that Promote a Culture of Effective Leadership Part II: Managing Performance Systematically to Engage Employees and Improve Future Performance**:

In Part II of this interactive session, panelists will discuss the different performance management systems their offices use, the pros and cons of those systems, a management model for government law offices and an example of how the model works as a practical matter. As part of this session, participants will be asked to share experiences on how performance is managed and will formulate one recommendation or suggestion to take back to their offices for consideration as an improvement to their current system.

**Ethical and Effective Jury Addresses**: This session will provide tips on giving ethical and effective opening statements and closing arguments. It will highlight some areas where civil government attorneys or prosecutors may violate ethics rules or risk reversal on appeal.

**Ethical Issues for Prosecutors**: Prosecutors have ethical, statutory, and constitutional obligations beyond those governing private sector lawyers or even government attorneys in civil practice. This session will explore some of the issues most likely to arise during the investigation, pretrial, trial, and post-conviction stages of criminal cases.

**Having Necessary Conversations**: Facilitators for this experiential session will present a short lecturette on feedback and coaching. Participants will then be presented a hypothetical performance issue requiring management response and feedback. Participants will then practice giving feedback.

**Outside Counsel: Opportunities and Challenges**: Some matters that AG offices bring will be so large or so complex that it may make sense to consider whether to hire outside counsel to handle the litigation. What factors should be considered when hiring outside counsel? What complications may arise when hiring outside counsel?

*Additional Concurrent Sessions Include: Parallel Proceedings, Cautionary Tales from Disciplinary Counsel, Working in an AGO (For Law Students), Ethical Issues for AGs (Closed to AGOs only), The Ethics of Social Media, Whistleblowers/Internal Compliance, Succession Planning, Thriving in an Everchanging Work Environment*