

## **T. GARY MITCHELL**

*Address:* 226 Lincoln Ave., Highland Park, NJ 08904 ♦ *Phone:* 908-227-3648 ♦ *E-mail:* tg.mitchell@verizon.net

### **CAREER SUMMARY**

*Mr. Mitchell's 30+ years in private practice and in federal and state government service have included counseling and litigation on constitutional law, civil rights, child welfare, family law, governmental liability, employment law & workplace disputes, information technology, professional liability, financial institution regulation and insurance coverage. He has extensive experience in federal and state practice, trial and appellate practice, complex litigation, class actions, and multi-party discovery. His professional interests include litigation as an instrument of institutional reform, public policy development, regulatory enforcement, administrative practice and the advancement of civil rights and political liberties.*

### **PROFESSIONAL EMPLOYMENT**

#### ***DEPUTY PUBLIC DEFENDER AND DIRECTOR OF LITIGATION, OFFICE OF PARENTAL REPRESENTATION (OPR), AND DIRECTOR, INMATE ADVOCACY PROJECT, NJ OFFICE OF THE PUBLIC DEFENDER, 2004-PRESENT***

Mr. Mitchell is presently a Deputy Public Defender in OPR's appellate office. He handles matters before all levels of New Jersey courts, including the New Jersey Supreme Court., to defend parents in proceedings involving civil charges of child neglect or abuse, or seeking termination of parental rights. From 2004 to 2012, he served as OPR's Director of Litigation, helping to establish and build New Jersey's first state-wide office to provide legal counsel to indigent parents and to promote family reunification. He guided a staff of over 50 attorneys and hundreds of contract lawyers, with eight regional offices, inaugurated OPR's independent appellate practice, developed state-wide policies and best practices, staffing models, conflict management, caseload standards, litigation strategies, advocacy functions, training materials, model pleadings and discovery objectives. He served on judicial and joint-agency committees and work-groups to implement child welfare reforms. From 2004-2007, he also supervised the final stages of compliance with and enforcement of federal court orders in a 25 year long class action to improve conditions at a New Jersey county jail that he filed originally in 1982.

#### ***PARTNER, DUANE MORRIS, Employment Law Practice Group, Princeton, NJ, 1999–2004.***

#### ***PARTNER, HILL WALLACK, Litigation & Employment Law Group, Princeton, NJ, 1995-1999.***

With DUANE MORRIS and HILL WALLACK, Mr. Mitchell represented employers and managers to resolve disputes before federal and state agencies and in trial and appellate courts, and handled professional liability and commercial litigation. He counseled corporate clients on legal issues involving employment discrimination, affirmative action, workplace diversity, employment contracts, wrongful termination, sexual harassment, labor standards, information technology, financial institution regulation, insurance coverage, and complex transactions. On a pro bono basis he defended Medicaid recipients facing government reimbursement claims, parents on claims of child neglect and abuse, criminal defendants challenging racial profiling, and inmates in civil rights cases.

#### **Representative Matters:**

- National counsel for foreign airline on employment litigation and general human resource matters.
- Counsel to federal banking agency recovering over \$3.5 million in legal malpractice litigation, over \$2 million in borrower fraud litigation, and over \$700,000 in appraisal malpractice litigation.
- Successfully defended various claims of discrimination, wrongful termination, and defamation.
- Conducted internal investigations and compliance programs for corporate and public sector employers, on prevention of sexual harassment, investigating discrimination claims, workplace privacy, information technology, and electronic communications systems.
- Successfully defended shareholder derivative action, obtaining summary judgment, interim order for security of \$120,000, and novel award of over \$200,000 in defense attorney fees and costs.
- Conducted training for employees and managers on workplace issues, including harassment prevention, equal employment opportunity, proprietary information, and use of electronic communications systems.

#### ***SENIOR ATTORNEY, EPSTEIN BECKER & GREEN, P.C., Newark, NJ, 1994-1995.***

Mr. Mitchell handled employment, professional liability and commercial litigation, and counseled clients in the areas of employee handbooks, contracts, information technology, trade secrets, banking, government investigations, complex transactions, insurance coverage, civil rights, and class actions.

#### **Selected Matters:**

- Counsel for federal agency in recovery of \$2 million on director/officer and malpractice claims.
- Represented employers on both traditional and emerging issues in employment litigation.

**SENIOR ATTORNEY, RESOLUTION TRUST CORPORATION, Somerset, NJ, 1992-1993.**

Mr. Mitchell retained and supervised outside counsel and managed investigations and litigation on matters involving the liability of directors, officers, professionals and borrowers of failed S&Ls, for fraud, negligence, breach of fiduciary duties, regulatory violations, and audit failures.

**Selected Accomplishments:**

- Simplified outside counsel engagements to promote mentoring and cost-effective practices.
- Supervised over 70 investigations, arising from 12 S&Ls, involving over \$300 million in claims.
- Recovered \$11 million on bond claims, shareholder suits, and actions to void policy exclusions.

**SENIOR ENFORCEMENT ATTORNEY, OFFICE OF CHIEF COUNSEL, OFFICE OF THRIFT SUPERVISION, U.S. TREASURY DEPT., Jersey City, NJ, 1990-1992.**

Mr. Mitchell directed agency investigations of complex commercial, financial, securities and real estate transactions, prosecuted cases of fraud, self-dealing and other statutory or regulatory violations by S&L directors, officers, appraisers, and attorneys, supervised regulatory compliance issues for S&Ls, and developed litigation and negotiations strategy for enforcement actions and related matters, including cease and desist orders, industry-wide removals and prohibitions, civil money penalties, asset freezes, and professional disciplinary actions.

**Awards:** OTS Special Act Award for Outstanding Service (October 1991)  
Treasury Dept. Meritorious Achievement Award (June 1991)

**Selected Accomplishments:**

- Led investigation of mismanagement and fraud causing \$100 million loss to state S&L network.
- Investigated and drafted charges seeking \$16 million recovery from S&L insiders and attorneys.
- Formulated plans to coordinate OTS investigations with other federal law enforcement agencies.
- Commended by U.S. Attorney for role in securing indictments and convictions of S&L insiders.
- Developed expertise on matters of first impression under FIRREA, including director/officer duties, subpoena and asset-freeze powers, and civil agency access to grand jury materials.

**DEPUTY PUBLIC DEFENDER & DIRECTOR, OFFICE OF INMATE ADVOCACY, DEPARTMENT OF THE PUBLIC ADVOCATE, Trenton, NJ, 1982-1990.**

During four successive administrations, Mr. Mitchell headed an agency in a cabinet-level department of state government with the statutory mission to protect the legal interests of persons held in jails and state prisons. He hired, trained, managed and supervised a 14 person staff, creating a motivated, aggressive and effective team of attorneys, investigators and support personnel. He served as supervising attorney or lead counsel in class actions in federal courts, in state cases seeking injunctive, declaratory and monetary relief, and as cooperating counsel in criminal trials and appeals. In administrative tribunals, he filed rule-making petitions, testified at rule-making hearings, argued appellate challenges to state regulations, defended charged parties in administrative prosecutions, and participated as *amicus curiae* in civil service employee discipline cases. He also led a Department task force to evaluate and select computers and software to automate document creation and case management.

**Selected Accomplishments:**

- Built docket of federal class actions, resulting in successful prosecutions of state and local government officials for civil rights violations, focusing on institutional reform; negotiated and drafted extensive consent judgments to reduce litigation risks and establish forums for aggressive enforcement proceedings to insure comprehensive relief and continuing jurisdiction.
- Prepared official agency reports of civil investigations, with plans for remedial action; analyzed capital and operating budgets, facility planning, environmental risks, medical and psychiatric care, overcrowding, security, and fire safety.
- Obtained significant monetary relief, including multi-million dollar fines, largest strip-search settlement in New Jersey, and funding of pre-trial release programs, along with novel injunctive relief, including jail capacity limits, physical plant renovations, new construction, increased staffing, strip search bans, improved medical staffing and health care services, bail reforms, fairer disciplinary procedures, pre-natal care and abortion rights, and prohibitions on forced HIV testing.

**ASSISTANT DEPUTY PUBLIC DEFENDER, SPECIAL PROJECTS SECTION, NJ PUBLIC DEFENDER, Trenton, NJ, 1979-81.** Mr. Mitchell represented defendants in trial and appellate proceedings involving issues with system-wide criminal defense impact, and post-conviction matters of first impression under the 1979 criminal code, and represented Public Defender on the Supreme Court's Speedy Trial Task Force.

### **RELATED LEGAL EXPERIENCE**

#### **Adjunct Faculty, Rutgers Univ. School of Law, Newark, NJ. (2003-present)**

Courses and Seminars taught include: Criminal Procedure, Inmate Advocacy and Institutional Reform Litigation.

#### **Teaching & Research Assistant, Rutgers School of Law, Newark, NJ. (Sept. 1978- June 1979)**

Conducted review sessions and tutorials, prepared assignments, and corrected students' written work.

#### **Law Clerk, Commission on Sex Discrimination in the Statutes, Trenton, NJ. (June 1978-June 79)**

Prepared legal memoranda identifying instances of gender-based bias in state laws.

#### **Law Clerk, Higher Education & Banking Sections, Office of Attorney General, Trenton, NJ. (1978)**

Researched and drafted legal memoranda involving higher education and banking issues.

### **EDUCATION**

#### **Rutgers University, School of Law, Newark, NJ Degree: J.D., January, 1980.**

Concentration in Employment, Civil Rights, Federal Practice, Class Actions and Environmental Law.

##### ***Law Journal Participation:* Women's Rights Law Reporter (WRLR)**

- Articles Editor, 1978-79; Administrative Editor, 1977-78; Business Manager, 1976-77.
- Authored article on employment law and litigation strategy.
- Increased subscription base from 250 to over 2,000, and achieved regular quarterly publication.

##### ***Internships:* Legal Aid and Public Interest Advocacy.**

##### ***Clinic Participation:* Women's Rights Litigation Clinic.**

#### **Rutgers University, Livingston College, Piscataway, NJ Degree: A.B., 1975**

Majors: History, Political Science, & Women's Studies.

##### ***Academic Honors:* Pi Sigma Alpha (National Political Science Honor Society).**

***Senior Thesis:* "The Political Career of New Jersey's First Congresswoman, Mary T. Norton, 1924-51," based on collected papers at Alexander Library, Rutgers Univ.; published, in part, in 1978 and 1994.**

### **BAR ADMISSIONS & COMMUNITY ACTIVITIES**

#### ***Bar Admissions:***

New Jersey and the United States District Court for the District of New Jersey (1980)

Pennsylvania and the United States District Court for the Eastern District of Pennsylvania (1980)

United States Court of Appeals for the Third Circuit (1982)

United States Supreme Court (1986)

United States District Courts for the Southern and Eastern Districts of New York (1998)

United States Court of Appeals for the Ninth Circuit (2000)

#### ***Professional Committee Memberships:***

New Jersey Domestic Violence Fatality and Near-Fatality Review Board, 2011-2016

Family Practice Committee, New Jersey Supreme Court, 2009-2011

Children in Court Improvement Committee, New Jersey Supreme Court, 2005-2012

New Jersey Child Welfare Citizen Review Panel, 2005-2010

#### ***Bar Association Memberships:***

New Jersey Bar Association, Sections on Labor & Employment Law, Family Law and Women's Rights

American Bar Association, Children & the Law, Labor & Employment Law, and Litigation Sections

#### ***Pro Bono & Community Activities:***

Trustee, Rutgers Law School, Alumni Association 2011-2017

Mentor, Rutgers Law School Alumni Association Mentoring Program, 2007-2017

*Pro Bono* Attorney in New Jersey on domestic violence and child support issues, 2006-2012

*Pro Bono* Attorney in Maryland, appellate courts, on domestic violence issues, 2009-2012

Elected Member, Editorial Board, *New Jersey Lawyer* 2001-2008

Elected Member, Highland Park and Middlesex County Democratic Committee, 2000-2003

Trustee, Alice Paul Centennial Foundation, Inc., 2002

Editor, *PTO Newsletter*, Irving & Bartle Schools, Highland Park, N.J., 1993-1998

Member, Board of Trustees, NBA Credit Union, Bristol, PA, 1984-1995

## PUBLICATIONS, PAPERS, AND CASES

### *Selected Publications, Papers and Presentations:*

“A Survey of 2013 Child Welfare Caselaw,” at NJSBA Convention, Atlantic City, NJ, May 15, 2013, and OPR Continuing Legal Education seminar, Trenton, NJ, October 17, 2013.

“Making Law Work For Domestic Violence Survivors: Defining the Proper Scope of Protective Orders, Defeating Malicious Prosecution Claims and Saving a Home in Bankruptcy,” *33 Women’s Rights Law Rpt.* 401 (2012).

“Inspecting the DYFS Case File: Trial & Appellate Strategies to Find and Use Exculpatory Material in a World Without a *Brady* Requirement,” and “Case Law Updates 2011-2012,” at OPR Continuing Legal Education Seminar, June 2012 and September 2012.

“Shaping the Law: Trend Lines During OPR’s First Six Years,” and “Holding DYFS to Its Burden In Cases of Unexplained Injury: The Prima Facie Case, Its Elements and How to Defeat It,” at OPR CLE Seminars, 2011.

“The Developing Law: 2005 to 2010,” and “A Roundtable on DYFS Experts and Defense Experts: Types, Timing, Numbers, Necessity and Expense,” at OPR Continuing Legal Education Seminar, September 2010.

“An Overview of *D.Y.F.S. v. G.M.*,” Presentation to members of the New Jersey judiciary at the Judicial College, Administrative Office of the Courts, November 24, 2009

“Parental Representation in New Jersey,” Seminar Materials, NJICLE, New Brunswick, NJ, March 2007.

“From *Runyon* to *Rubin*: New Jersey’s Ban on Contract Discrimination,” *New Jersey Lawyer*, July 14, 2003.

“Preventing Harassment in the Workplace: A Training Program for Public Sector Managers,” March 18, 2003, Center for Management Development, Rutgers University, Piscataway, New Jersey

“Preventing Harassment in the Workplace: Training Human Resources Personnel,” Presentation at Center for Management Development, Rutgers University, March 2002, New Brunswick, New Jersey

“Staffing Alternatives in the New Millennium: Trends and Issues in the Legal Relationship Between Employers and Their Workers,” Fall 2001, Presentation at Employer Round Table, New York, N.Y., and Princeton, N.J.

“Book Review: The Supreme Court by William H. Rehnquist,” *New Jersey Lawyer Magazine*, August 2001.

“Minimizing Regulatory Fines & Litigation: Steps to Reduce Employer Liability in LTC & Assisted Living Facilities,” The Center for Health Care Education, Edison, NJ, November 8, 2001 and April 12, 2001

“Whistle-blower Laws: Protecting Conscientious Employees or Troublemakers and Snitches,” The Gerontology Institute of New Jersey, November 14, 2000.

“Minimizing Regulatory Fines & Litigation: Liability Exposure for Whistle-blowing Claims in LTC and Assisted Living Facilities,” The Center for Health Care Education, South Plainfield, NJ, September 28, 2000

“When to Call the Expert in Employment Discrimination Cases,” Annual Conference, Eastern Economic Association, Culver City, Virginia, March 25, 2000

“From Red-light Districts to Grand Theft on the Information Superhighway: Issues For Schools in the Digital Age,” Presentation Before Electronic Media Association of New Jersey, Parsippany, NJ, October 22, 1998.

Keynote Presentation, “Liabilities For Education Professionals in the Digital Age,” at New Jersey Educational Computing Cooperative, Conference on Internet Liability, at Kean University, September 18, 1998.

“Flexibility Returns to Compensation Practices: Employers Can Pay Overtime Without Sacrificing Exempt Status,” *151 New Jersey Law Journal* 1228 (S-20), March 23, 1998.

“Privacy, Technology and the Workplace: Employer Responsibilities and Employee Rights,” presented at Lorman Education Seminar on *Employee Discharge and Documentation*, Princeton, January 1996, 1997 and 1998.

“Banning Spam and Other Scams: The Fight over the Electronic Mailbox,” *Hill Wallack Quarterly*, Winter 1998.

“Speed Bumps, Potholes, and Stalking on the Information Superhighway: New Liabilities Facing School Libraries in the Digital Age,” presented at NJ School Development Council, New Brunswick, NJ, December 4, 1997.

“Electronic Mail in the Workplace: Privacy Protections Take Shape,” *Hill Wallack Quarterly*, Fall 1995.

“Kindergarten Gender Stereotypes,” *Virginia Issues & Answers*, Winter 1995.

“Women Standing for Women: The Early Political Career of Mary T. Norton,” in *A New Jersey Anthology*, (ed., M. Lurie, N.J. Historical Society, 1994)

“The Victim is the Only One Without Representation,” Op-Ed Page, *The Home News* (Aug. 16, 1994).

“New Directions for Sex Discrimination Litigation in New Jersey: The New Jersey Supreme Court Unearths a State Constitutional Prohibition Against Sex Discrimination,” 103 *New Jersey Law Journal* 531 (June 12, 1979).

“Sex as a Bona-Fide Occupational Qualification: Title VII’s Evolving Enigma, Related Litigation Problems, and the Judicial Vision of Womanhood after Dothard v. Rawlinson,” 5 *Women’s Rights Law Rpt.* 107-164 (1979).

“Women Standing for Women: The Early Political Career of Mary T. Norton,” 96 *N.J. History* 27-45 (1978).

“Complacency in the Face of Patriarchy,” *WIN Magazine*, Jan. 22, 1976, reprinted in *For Men Against Sexism: A Book of Readings* (ed., Snodgrass, Times Change Press, 1977), p. 83-97.

### **Selected Cases:**

*G.S. & K.S. v. D.C.P.P.*, 447 N.J.Super. 539 (App. Div. 2016) Counsel for co-defendants seeking to be represented by staff public defenders, with court holding that the law does not prohibit or even presumptively disfavor staff attorneys working from same office to separately defend parents in child welfare cases.

*D.C.F. v. E.D.-O.*, 223 N.J. 166 (2015). Counsel for OPR as *amicus curiae* successfully arguing that agency and intermediate appellate court erred in holding state law was violated when a mother left a child unattended in a car because “categorical” rules are contrary to the requirement for particularized evidence in child welfare cases.

*D.Y.F.S. v. Y.N.*, 220 N.J. 165 (2014). Co-counsel in Supreme Court for mother in successful appeal holding that effects on newborn of woman’s methadone use during pregnancy under care of doctor, without more, is insufficient as proof of child abuse or neglect under N.J.S.A. 9:6-8.21(c)(4)(b).

*D.Y.F.S. v. J.G.*, 217 N.J. 527 (2014). Counsel for formerly incarcerated father in decision affirming trial court denial of termination of parental rights, reversing intermediate appellate court, and holding state failed to establish legal grounds to terminate a parent-child relationship by clear and convincing evidence based on father’s incarceration from time daughter was six months old to his release from prison five years later.

*D.Y.F.S. v. I.S.*, 214 N.J. 8 (2013). Counsel for mother in Supreme Court in appeal successfully arguing that state cannot use abuse and neglect statutes to take custody of child with needs a parent cannot meet, though court held state could still take custody of child needing residential placement based on a “best interests” determination.

*Anthony v. Garrity*, \_\_\_ Md. \_\_\_ (cert. granted Oct. 19, 2012, appeal dism. May 2, 2013). Pro-bono appellate counsel for witness sued for malicious prosecution for calling police when man subject to Domestic Violence Protective Order came to protected residence but was unsuccessfully prosecuted by state for violation of Order.

*D.Y.F.S. v. A.L.*, 213 N.J. 1 (2013). Co-counsel in Supreme Court for mother in successful appeal holding that drug use during pregnancy and test results showing cocaine in newborn baby’s system, without more, is insufficient as proof of child abuse or neglect under N.J.S.A. 9:6-8.21(c)(4)(b).

*Dept. of Children & Families. v. K.A.*, 208 N.J. 355 (2011), op. below 413 N.J.Super. 504 (App. Div. 2010). Counsel for OPR as *amicus curiae* supporting decision reversing finding of child abuse against mother, and holding that striking child was not abuse or excessive corporal punishment where incident was isolated, aberrant, arose out of stress, and did not cause significant harm to child. Court dismissed State appeal after oral argument.

*Dept. of Children & Families. v. T.B.*, 207 N.J. 294 (2011), rev’g A-4519-08 (App. Div. May 17, 2010). Counsel for OPR as *amicus curiae* in successful argument that mother did not neglect child or fail to exercise a minimum degree of care under N.J.S.A. 9:6-8.21(c)(4)(b) when she left 4-year-old alone on belief grandmother was home.

*D.Y.F.S. v. L.L.*, 201 N.J. 210 (2010). Counsel for mother seeking to vacate a Kinship Legal Guardianship, setting 2-part test that parental incapacity must be remedied and termination of KLG is in child’s best interests, based on (1) nature and quality of parent-child relationship, (2) future relationship anticipated between child and guardian, (3) preservation of sibling relationships, (4) practical impact on child’s daily life, and (5) child’s wishes.

*D.Y.F.S. v. G.M.*, 198 N.J. 382 (2009). Counsel for mother from whom DYFS removed children, holding mother was entitled to dispositional hearing under N.J.S.A. 9:6-8.50 to determine if children could safely return to her.

*D.Y.F.S. v. A.C.* (N.J. Ch. Div. 2001). In *pro bono* case, successfully represented single mother to obtain dismissal of neglect and abuse complaint arising from young children being left home alone while mother was at work; obtained pre-hearing return of children to mother after emergency placement by DYFS; obtained PTI disposition in related criminal prosecution leading to dismissal of second degree charge of child endangerment.

*Burlington County Bd. of Social Services v. Extall* (N.J. Law Div. 1999). Successfully defended aged, disabled indigent client to prevent government seizure of \$40,000 to recoup payments to health care providers during period of Medicaid ineligibility. Asserted defense and counterclaim that client was without fault for agency's erroneous eligibility determination and claim that improper payments to providers were made recklessly based on misinformation from third party and flawed agency investigation. Settled case on basis that wrongfully created indebtedness without notice to client or opportunity to be heard violated state constitutional due process rights.

*FDIC v. Minella*, (S.D. N.Y. 1999). Prosecuted legal malpractice litigation for federal banking agency against former attorney for failed Savings and Loan Association recovering \$700,000 in settlement.

*Weiss and Pinto v. Harkers Hollow, et al.* Docket No. WRN-C-16027-96 (N.J. Ch. Div. 1998). Successfully defended corporation and directors in shareholder derivative action challenging corporate purchase and financing of real estate. Obtained interim order requiring plaintiff minority shareholders to post security of \$120,000, summary judgment on all claims, and award of \$250,000 for attorney fees and costs to defend frivolous claims.

*FDIC v. Bandura, et al.* (D.N.J. 1994-1997). Successfully represented FDIC in complex litigation arising out of failed Savings & Loan on claims of breach of fiduciary duty and negligence by directors and officers; negligence and malpractice by related professionals, including two law firms, several appraisal firms and a loan broker; and fraud by major borrowers. Recovered approximately \$9 million for FDIC, favorably resolving numerous highly contested issues, including enforcement of \$3.5 million settlement agreement with Pennsylvania law firm.

*Subbe-Hirt v. Prudential Insurance Company of America*, 94 F.3d 111 (3rd Cir. 1996). Successfully argued appeal affirming NASD dismissal of discrimination claim; on remand, framed strategy to compel arbitration and obtained dismissal by NASD panel.

*Office of Thrift Supervision v. Barbieri, et als.* (D.Conn. 1992) Led successful investigation and administrative prosecution of numerous directors, officers, borrowers and attorneys of failed savings and loan association on various claims of fraud, self-dealing and mismanagement in matter of first impression under FIRREA.

*Essex County Jail Inmates v. Amato*, 726 F.Supp. 539 (D.N.J. 1989) (obtained \$3.4 million fine against defendants for violation of consent order establishing population limits and services for operation of jail, with funds to be used to benefit plaintiff class in civil rights litigation, including establishment of bail fund)

*Camden County Jail Inmates v. Fox*, 123 F.R.D. 490 (D.N.J. 1988) (obtained \$1 million fine against defendants for violation of court order establishing population limits at county jail).

*Monmouth County Correctional Institutional Inmates v. Lanzaro*, 834 F.2d 326 (3d Cir. 1987) (affirming preliminary injunction requiring county jail to provide abortion services); 717 F.Supp. 268 (D.N.J. 1989) (order requiring remedies for jail overcrowding); 695 F.Supp. 759 (D.N.J. 1988) (order requiring equal access to jail programs for female inmates and adoption of classification system in holding areas); 643 F.Supp. 1217 (D.N.J. 1986) (preliminary injunction in favor of pregnant inmates in need of counseling, access to, and funding for abortion); 595 F.Supp. 1417 (D.N.J. 1984) (finding jail conditions unconstitutional and ordering remedial plan).

*Zeltner v. Dept. of Corrections*, 201 N.J.Super. 195 (App. Div. 1985) (established that inmates who lost 365 days or more of commutation time credits had right to a contested case hearing in front of an administrative law judge).

*Union County Jail Inmates v. Scanlon*, 537 F.Supp. 993 (D.N.J. 1982) (obtained order finding jail conditions unconstitutional), *aff'd in part and rev'd in part*, 713 F.2d 984 (3rd Cir. 1983) (order removing inmates due to overcrowding improper because jail's remedial scheme did not deprive inmates of minimal civilized measure of shelter); *reh'g den.* 718 F.2d 1247 (3rd Cir. 1983)(6-4)(Gibbons, J. dissenting), *cert. den'd* 465 U.S. 1102 (1984).

*Doe v. D.Y.F.S.*, 89 N.J. 284 (1982) (won reversal that juvenile raped while in DYFS shelter was not a prisoner for purposes of bar to tort actions against public entities), *rev'g* 178 N.J.Super. 499 (App. Div. 1981).

*Savad v. Dept. of Corrections*, 178 N.J.Super. 386 (App. Div. 1981) (established right to work and good behavior credits as part of resentencing under new Criminal Code for inmates convicted as repetitive and compulsive sex offenders based on showing of disparity for equivalent or congruent offenses and of good cause for resentencing).