

New Jersey Powerhouse: Gibbons

By **Martin Bricketto**

Law360, New York (June 23, 2014, 4:55 PM ET) -- Much has changed in New Jersey since the birth of Newark-based Gibbons PC in 1926, but the firm sees founder Andrew Crummy's legacy in its present status as a regional powerhouse at the center of trailblazing civil rights litigation, commercial development deals and public-private projects that involve billions of dollars.

Gibbons today has five offices across the region and boasts 159 attorneys in New Jersey alone, helping to earn it a spot on Law360's list of New Jersey Powerhouses. But its home base remains the urban hub in northern New Jersey where Rossbach & Crummy opened almost 90 years ago. In his day, Crummy was viewed as the state's pre-eminent attorney when it came to insolvency work, explained Gibbons Chairman and Managing Director Patrick Dunican.

"Over the years, Gibbons has been able to assemble a collection of lawyers who are at the top of the profession in their practice areas," Dunican said.

That tradition continued with John J. Gibbons — who joined the firm in 1950 and returned in 1990 after spending 20 years as a judge in the Third Circuit and more than a decade as chief judge — and it has been carried forward by renowned litigator Michael Griffinger, employment department chair Christine Amalfe, top criminal defense attorney Lawrence Lustberg and corporate department chair Frank Cannone, among other practitioners. Former state Supreme Court Chief Justice James Zazzali calls the firm home, as does William Palatucci, who has been a close adviser of Gov. Chris Christie.

A talented roster has helped Gibbons thrive and combine the technical abilities commonly associated with BigLaw giants with the local savvy and relative affordability of a New Jersey firm. Knowing the lay of the land and possessing "the keys to the courthouse" are integral ingredients in Gibbons' recipe, according to Dunican, who notes that this is part of why the firm ditched its summer associate program about 11 years ago.

"It made us one of the first firms in the country to say, 'That's not how we're going to train our lawyers. We're going to hire only judicial law clerks, who are going to have a year of training under their belts already,'" Dunican said. "More importantly, they've developed key and critical relationships with judges and courthouse personnel in New Jersey that can add value to clients."

That's part of the bang that Gibbons clients often get for fewer bucks compared with clients of national firms operating out of New York City or Philadelphia, according to Dunican.

"We have our headquarters here in Newark. It's not cheap, but it's not New York City," he said. "That's one thing that Gibbons has done particularly well over the last decade. We've been able to reduce our cost structure by making some smart decisions, like moving to a new headquarters in 2007 and cutting the size of our partner offices in half, which meant less square footage."

The opening of that headquarters at 1 Gateway Center came the same year the firm shortened its name from Gibbons Del Deo Dolan Griffinger & Vecchione PC and it represented a milestone during two decades of steady growth for the firm, from the opening of a New York office in 1997 to the opening of a new office in Wilmington, Delaware, also in 2007.

In between, the firm in 2002 opened a location in Trenton, New Jersey, and unveiled a new government affairs department. With David Filippelli, U.S. Rep. Bill Pascrell Jr.'s former legislator director, at the helm of that department, Gibbons has become the state's top lawyer-lobbying firm, doing nearly \$2 million in business last year. The firm also opened a Philadelphia office in 2005.

Gibbons has worked to distinguish itself from competitors in other ways, such as bringing Cannone on board from Paul Hastings LLP in 2004 to help craft a "New York-style" corporate department, which now has 35 attorneys. Cannone, who was a partner in Paul Hastings' corporate department, said he was initially hesitant about the move but realized there was a need for topflight technical skills in the middle market.

"A lot of those middle-market clients are getting absorbed into larger national firms that don't fit those projects well, from the rate structure or the attorney attention," Cannone said.

Beefing up the corporate department has grown into work on significant commercial transactions like representing Quest Diagnostics Inc. in the sale of its Sweden-based HemoCue AB diagnostic products business to Radiometer Medical ApS for \$300 million and counseling Ireland-based UDG Healthcare PLC in its \$144 million acquisition of KnowledgePoint360 Group LLC's health care communications business. But the firm has also guided New Jersey public agencies on headline-grabbing projects.

That includes representing the state and the New Jersey Sports & Exposition Authority on the American Dream Meadowlands Project. A revamped version of the unfinished Xanadu project, the massive entertainment and retail complex near MetLife Stadium in East Rutherford, New Jersey, is expected to cost more than \$4 billion once developer Triple Five Group Ltd. finishes construction.

The NJSEA, which is the project's landlord, turned to Gibbons after the firm represented the agency on the privatization of two of its horse racing facilities, Monmouth Park and Meadowlands Racetrack, according to Cannone. As part of American Dream, Gibbons has counseled the NJSEA on matters ranging from leasehold and development rights to the acquisition of additional land for what would be North America's largest indoor water and amusement park.

Gibbons additionally represented the NJSEA in now-settled litigation that the New York Jets and New York Giants brought over the project's alleged impacts. That ability to pivot from complicated transactional work to courtroom maneuvering is another benefit that Gibbons offers clients and has come in handy in the often controversial world of public-private partnerships, according to Cannone.

Another example is Gibbons' work for New Jersey on privatizing the management of the \$2.7 billion state lottery. The state last year finalized a 15-year contract for the lottery's operation with Northstar New Jersey Lottery Group, a joint venture between Scientific Games Corp., GTECH Corp. and OSI LTT NJ

Holdings Inc. While Communication Workers of America is fighting the contract, it has so far lost an administrative challenge, and the state Appellate Division last year refused to grant the union a stay, according to Cannone.

"When you get under the microscope of litigation and they challenge your corporate work, you have to be right," Cannone said.

Gibbons' other cutting-edge work in the public sector includes counseling Rowan University in the state's recent higher education overhaul — the college took over the School of Osteopathic Medicine — and representing the state Division of Investment on the structuring of a \$28 billion alternative investment program to allow investments in real estate, private equity and hedge funds. Between July 2012 and July 2013, Gibbons represented the DOI in six transactions worth more than \$1.1 billion, according to the firm.

The firm has also been front and center in commercial matters that are quintessentially New Jersey, such as litigation and development work for the state's ever-important pharmaceutical industry.

Gibbons has been part of the team representing Hoffmann-La Roche Inc. — which in December ceased operations at its long-time site in Nutley, New Jersey, but maintains a manufacturing facility in Branchburg, New Jersey — in mass tort litigation over the acne drug Accutane, which plaintiffs contend caused them to develop inflammatory bowel disease and other injuries.

Bayer HealthCare Pharmaceuticals Inc. also turned to Gibbons to help transform the former Alcatel-Lucent campus in Whippany, New Jersey, into a new national headquarters. Gibbons counseled the life sciences giant on the site acquisition, environmental issues, construction and the shedding of its former locations, according to the firm. The facility opened last year.

But the Gibbons tradition is more than just legal talent; it also includes a commitment to public service in the form of the John J. Gibbons Fellowship in Public Interest & Constitutional Law. Last year, fellowship director Lawrence Lustberg led a Gibbons team that partnered with Lambda Legal to secure marriage equality for same-sex couples in the state.

Lustberg, who chairs Gibbons' criminal defense department, said the fellowship hadn't done much in the arena of lesbian, gay, bisexual and transgender rights before Lambda Legal reached out for local counsel on a planned lawsuit that became *Lewis v. Harris*, in which the state Supreme Court in 2006 ruled that same-sex couples had to be afforded the same rights as opposite-sex couples. State lawmakers eventually opted for civil unions but not marriage.

Gibbons played a bigger role in the follow-up case *Garden State Equality v. Dow*, which was pending in Superior Court when the U.S. Supreme Court in June 2013 struck down the federal Defense of Marriage Act and found that the federal government had to extend marital benefits to same-sex couples that were legally married in their respective states.

That allowed plaintiffs in New Jersey to quickly argue that, based on *U.S. v. Windsor*, civil union couples were being denied the same benefits as married couples, in violation of *Lewis v. Harris* and the state constitution.

"For me, this was as simple as one plus one equals two," Lustberg said.

Within about three months, Garden State Equality and the same-sex couples in the case had a ruling from Judge Mary Jacobson that directed the state to issue same-sex marriage licenses by Oct. 21. The state Supreme Court later refused a stay request from the Christie administration in a strongly worded order that Lustberg said "rings in the words of a civil rights decision." The administration ended up withdrawing its appeal.

Lustberg said he couldn't help but feel emotional when he learned of the Supreme Court's Oct. 18 decision during an unrelated deposition in Washington, D.C.

"Throughout this whole thing, I was really very lawyerly about it all, but that was a very emotional moment," Lustberg said. "I really had tears coming down my face because it had been such a long battle. I started thinking about the weddings."

--Editing by Kat Laskowski and Katherine Rautenberg.