

# COMMERCE

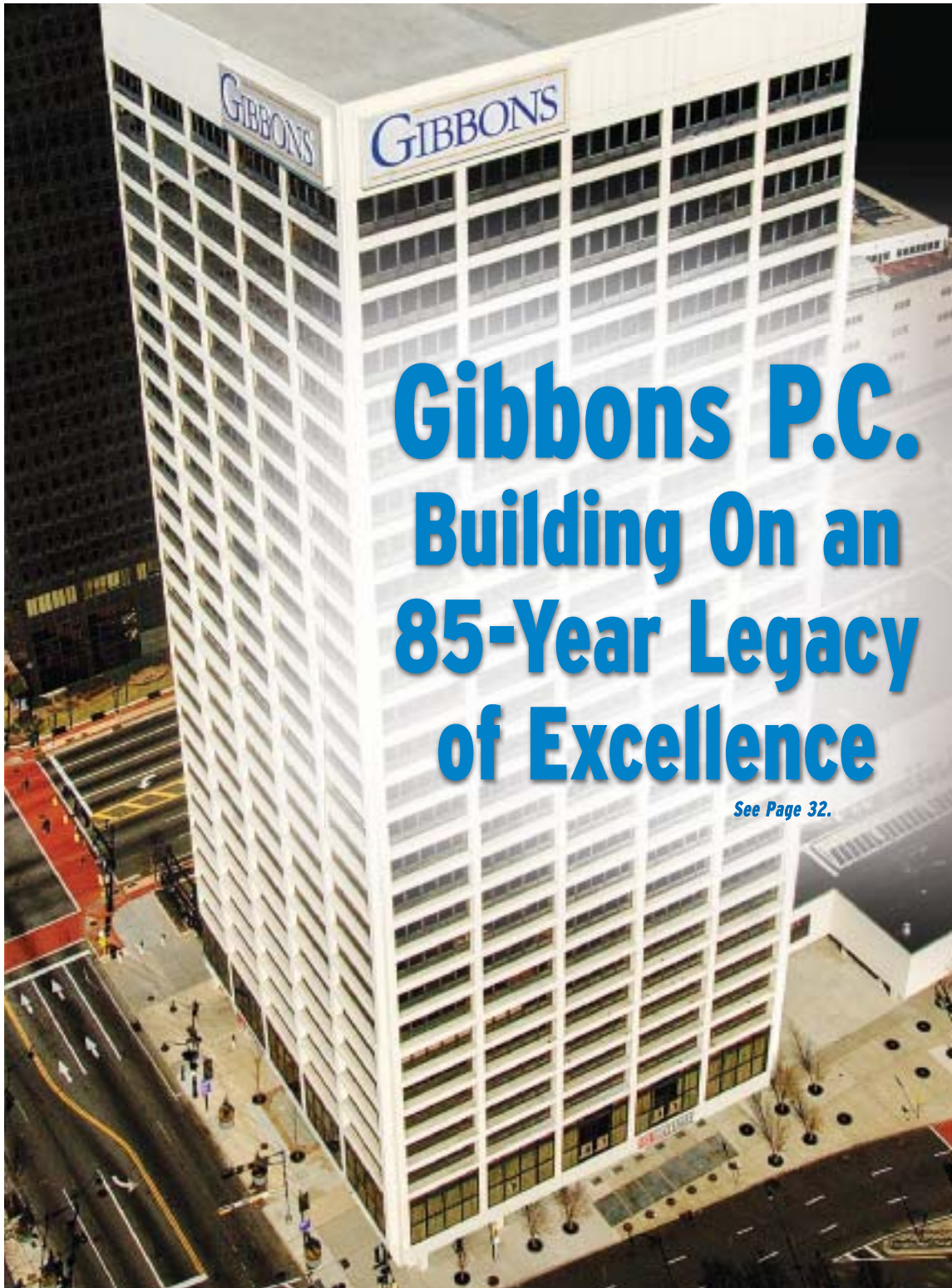
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- Patent and Trademark Law

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## Gibbons P.C. Building On an 85-Year Legacy of Excellence

*See Page 32.*

## Inside:



**Award-Winning My9, FOX 5 Anchor  
Harry Martin Calls New Jersey Home**



**James Plousis, NJ State Parole Board  
Chairman, Unveils Veterans Initiative**



**Real People Become Celebrities For  
News 12 New Jersey's Della Crews**

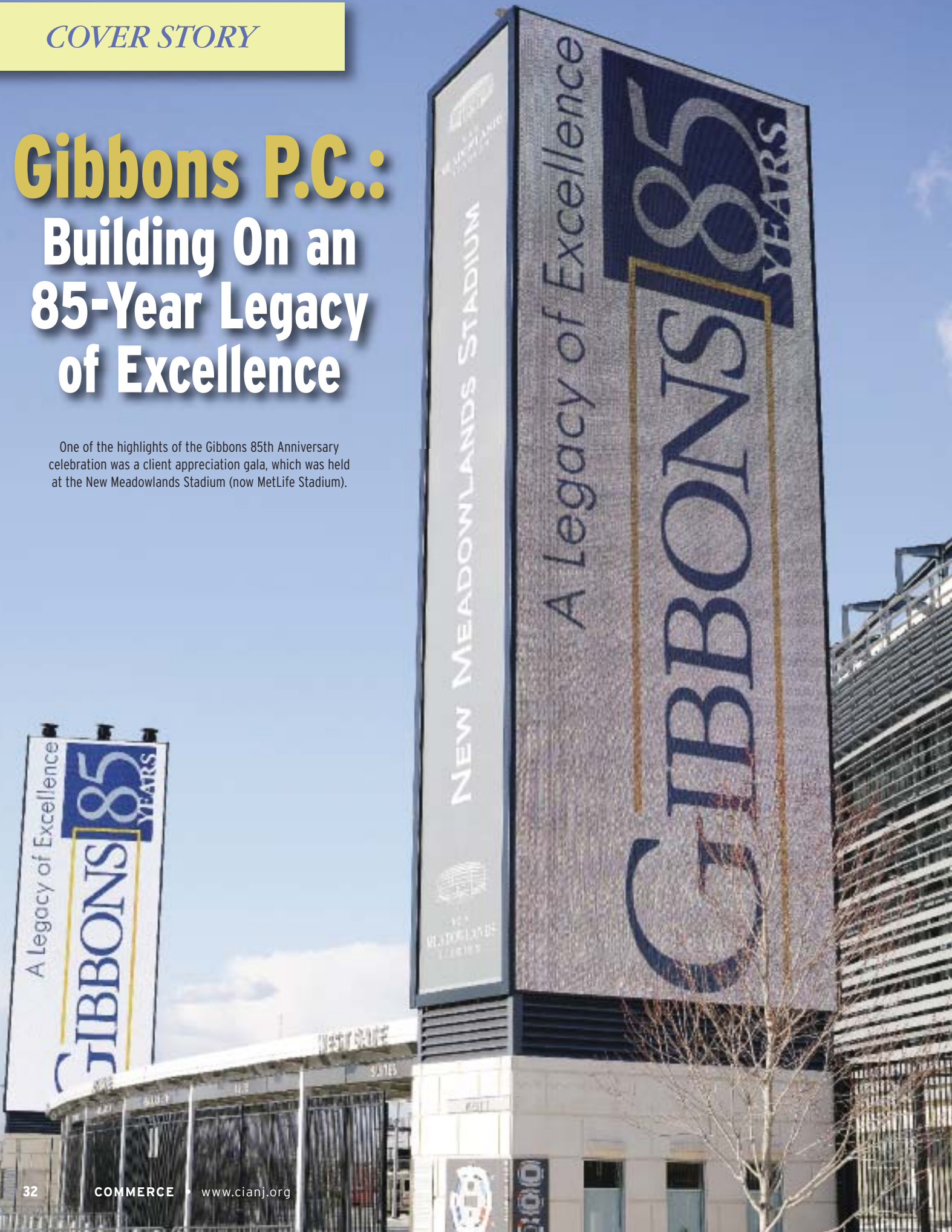


**The Side Effect Of Michael Medved's  
Daily Dose Of Debate—Fresh Ideas**



# Gibbons P.C.: Building On an 85-Year Legacy of Excellence

One of the highlights of the Gibbons 85th Anniversary celebration was a client appreciation gala, which was held at the New Meadowlands Stadium (now MetLife Stadium).



THROUGHOUT 2011, NEWARK-BASED GIBBONS P.C., has commemorated its 85th anniversary. This milestone is an exceptional achievement for any business, but is particularly notable in the practice of law. While many firms fade into history after their founders depart, or when transition to a next generation proves too difficult to accomplish, Gibbons has not just survived for close to nine decades, but flourished.

Why is Gibbons such a success story? According to Chairman and Managing Director Patrick C. Dunican Jr., “It begins with our people. Culturally, there is a deep reservoir of good feeling about our firm among our lawyers and staff. Gibbons also has a tremendous and loyal base of clients who entrust our lawyers with their most critical legal and business issues.”

Another key reason for success has been the firm’s ability to adapt, evolve and grow without abandoning its core identity and firmly held principles. From 1926 to 2011, clients have kept coming back, year after year. Gibbons spent the past year examining the reasons for this, and then investing significant resources into numerous service enhancements, realigning some of the firm’s signature initiatives to more comprehensively address clients’ evolving needs and preferences.

### A Symbolic Kickoff to a Historic Year

At the beginning of 2011, Gibbons launched an anniversary logo celebrating “85 Years of Excellence,” which has been incorporated into all of the firm’s print and electronic communications throughout the year. “When we shortened our name to Gibbons P.C., in 2007, we were starting a new chapter at the firm and positioning ourselves for the future,” says Gibbons Chief Marketing Officer Dawn Afanador. “Our ‘85 Years’ logo, which is based on the design of the 2007 logo, celebrates the legacy of excellence that made it possible for us to transform so nimbly into a 21st-century law firm.”



The new logo implementation officially kicked off the firm’s celebration of its 85th year, which included many internal and external programs to further strengthen the firm’s brand and recognition in the marketplace, and to reinforce the firm’s reputation and long-standing client service commitment. Also part of the kickoff was a client appreciation anniversary gala, which was held at the New Meadowlands Stadium (now MetLife Stadium) and featured tours and a live musical performance by The Nerds.

“Without the support of our amazing clients, whom we are privileged to serve every day, we would not be celebrating 85 years as a Newark institution,” says Gibbons Executive Director and Chief Operating Officer June M. Inderwies. “In fact, because of their trust and confidence, we have grown well beyond Newark in those 85 years. This celebration was as much theirs as it was ours.”



### Adapting Signature Initiatives for New Challenges

Recognizing that signature branding of firm initiatives increases interest in, and dedication to, various efforts, Gibbons has long leveraged widespread internal pride in the Gibbons name. “The firm’s name itself embodies the ideals that set Gibbons apart from other firms,” notes Mr. Dunican. “Partners and associates, professional and support staff, full-time and part-time employees alike all feel they have something of an ownership stake in the Gibbons name and a duty to live up to the example of the firm’s name partner and standard-bearer, John Gibbons.” Throughout 2011, Gibbons evaluated several of these signature initiatives—particularly a number of popular, successful client service initiatives—and expanded services, improved processes and incorporated new objectives, in order to keep moving client service forward and fully embrace forward-thinking strategies. A few examples follow.

**The Gibbons Diversity Initiative:** Gibbons has long been committed to the Gibbons Diversity Initiative (GDI), but a recent, critical effort has focused on encouraging diver-

*continued on page 34*



*continued from page 33*

sity not only internally but throughout the business community. The GDI includes a new supplier diversity program, “GDI-123,” a pioneering effort in the legal industry. GDI-123 extends the firm’s diversity commitment externally by providing procurement and other strategic business opportunities to women- and minority-owned businesses and law firms. Commitment to diversity is a key value held by many of the firm’s clients, and through GDI-123, Gibbons helps them advance this goal while also taking on the entire administrative process to achieve it.

**The Gibbons Women’s Initiative:** Similarly, since its inception in 1997, the Gibbons Women’s Initiative has led the firm to national recognition as an exemplary employer in terms of women’s progress. Ongoing refinement of its mission and recent strategic efforts to strengthen its programming have resulted in some of the most prestigious honors the firm has ever received. For example, Gibbons was named among the 2009 winners of the international Catalyst Award, one of the preeminent corporate honors for outstanding achievement in the advancement of women in the workplace. In addition, Gibbons is one of only 11 firms in the country to have been included on *Working Mother* magazine’s list of “Best Law Firms for Women” for each of the four years it has been published, and in 2011 was one of only 32 law firms nationwide to earn the Women in Law Empowerment Forum’s “Gold Standard” Certification.

**Gibbons Academy:** Since New Jersey has recently implemented a mandatory continuing legal education requirement, Gibbons extended its Gibbons Academy presentations to include clients and alumni, at no cost to them. The Gibbons Academy is a curriculum of attorney train-



ing programs on the latest legal developments and other informative topics, including more than 20 courses per year, all of which are eligible for New Jersey and New York CLE credits. These courses also include the many additional roundtables and custom client seminars the firm offers, also at no cost to clients, on specific legal practice areas, Women’s and Diversity Initiative programs, and the firm’s annual E-Discovery Conference.

**The Gibbons Apprentice Program:** Another key client service Gibbons explored in 2011 was the ending of “pay to train,” through the Gibbons Apprentice Program. The Gibbons Apprentice Program was designed to maximize the value of legal services while providing a solid training ground for new attorneys. It exposes recent law school graduates to the responsibilities of junior associates and trains them in a “real world” firm environment. With close supervision, they also “shadow” attorneys throughout their assigned practice groups, at the firm, in court and, when appropriate, at client meetings. While

apprentices are assigned a billable hourly rate significantly lower than that of the firm’s associates—so more routine aspects of matters can be addressed through exceptionally cost-effective means—clients are not billed for apprentice training time.

“Clients have clearly sharpened their focus in recent years on how law firms staff their matters, seeking lean, efficient staffing without ‘paying to train’ first-year associates,” says Gibbons Intellectual Property Department Chair David E. De Lorenzi, who oversaw the firm’s first apprentice. “Our apprenticeship program is the latest constructive strategy in our firm’s response to clients’ needs, adding service and value in an ever-changing legal marketplace.”

**Gibbons Law Alerts:** Gibbons keeps clients informed and updated on the economic, legal and market developments that impact them through its practice area blogs, the Gibbons Law Alerts. These online resources provide practical perspectives, analysis and discussion on developing legal and business news, focusing on the most pressing issues impacting business today and distilling an extraordinary amount of available information to introduce the topics most useful to the respective audience. The blogs provide links to key external resources and offer Gibbons attorneys’ unique perspectives and seasoned insight. Gibbons currently publishes five blogs—*Business Litigation Law Alert*; *E-Discovery Law Alert*; *Employment Law Alert*; *IP Law Alert*; and *RPE (Real Property & Environmental) Law Alert*—with additional blogs planned over the coming months.


### Client-Focused Innovations in Practice & Infrastructure

Practice innovation is standard operating procedure for Gibbons attorneys, who take pride in being entrepreneurial and nimble by anticipating clients’ needs and creating practice niches to address them. These forward-thinking enhancements to the services offered by the firm—building on a solid foundation of existing legal practice areas—introduce new, interdisciplinary practices that tackle up-to-the-minute client concerns in response to the most current business, economic, legislative and judicial developments. They also fit within a broader strategy focused on smart regional growth in a middle-market niche.

**A Mid-Atlantic Middle Market Strategy:** With headquarters in Newark, New Jersey, and thriving offices in New York, Philadelphia, Trenton and Wilmington, Gibbons has a significant foothold in the Mid-Atlantic and a presence that lends itself to exceptional regional coverage, especially for clients with their own regional business strategies operating in a middle-market space. And with up-to-the-minute video, audio and network technology linking all five of its offices, the firm is able to close major deals and devise litigation strategies for matters that involve Gibbons attorneys across several firm offices and client

representatives throughout a number of their own locations—as if everyone were in the same room.

The most recent tactic in its regional growth strategy has been the expansion of the Gibbons Delaware office. Delaware is the leading jurisdiction for the nation's corporate disputes. The new Administrative Director of the Gibbons Wilmington office, Justice Andrew G.T. Moore II (retired), wrote many of the Delaware Supreme Court's landmark corporate law decisions and is nationally recognized in his field. He tackles sophisticated corporate



Gibbons's cutting-edge technology allows for attorneys from the firm's five offices in four states to collaborate on client matters as if they were in the same room.


litigation for Gibbons clients with business interests in Delaware, and is supported by an experienced team handling commercial litigation, products liability defense and bankruptcy, among other areas.

**Renewable Energy:** New Jersey has set a leading standard for solar power in the country, which other states are gradually following, along with federal government guidelines. Significant incentives are offered, and business, nonprofit and government infrastructure is being developed to support many solar and renewable energy projects. Producers are making a business case for investment in renewable energy projects. Funding, however, is complex and difficult. Gibbons attorneys, leveraging their many years of financing experience and deep relationships in business, equity, commercial and investment banking as well as government, are helping clients structure, finance and close these complicated transactions.

**Healthcare Reform:** The major transition taking place in the healthcare industry—driven not only by the Affordable Care Act (ACA) but also by continually rising healthcare costs and insurance premiums, as well as global competitive pressure—is rapidly transforming the healthcare delivery model in the United States into an integrated supply chain. All the various links in that chain—including employers, providers, brokers and payors—are now grappling with many pressures and uncertainties in order to determine how they fit into this new model, which new challenges and risks they face, and how they can fully lever-

age their potential for business growth within the new system. A cross-functional team of Gibbons litigation and transactional attorneys has positioned itself to guide clients through these complex changes in order to maximize opportunity and minimize risk within the new system.

According to Gibbons Corporate Department Chair Frank T. Cannone, who is integral in expanding the firm's healthcare practice, "Virtually everyone in the state is impacted by the changing healthcare delivery model, from insurance companies and benefits brokers to physi-



Gibbons offers programs that focus on a variety of topics relating to the current business and legal developments affecting clients. Hundreds of attendees fill the room for these events.

cians, hospitals and other healthcare providers, along with educators, economists and employers of all sizes and in every industry. They require counsel who can thoroughly address the many and varied requirements, challenges and prospects."

**Regional and Multidistrict Business & Commercial Litigation:** Sophisticated and complex commercial litigation is the "bedrock" of the Gibbons practice. With five easily accessible offices in some of the key markets in the region, Gibbons regularly handles multifaceted litigation covering multiple jurisdictions for clients with operations throughout the region. The firm relies on its experienced litigators in each relevant jurisdiction while also leveraging the extensive resources of the entire firm.

"Our offices are practically connected by a single commuter train line," explains Gibbons Business & Commercial Litigation Department Chair Brian J. McMahon. "We can be where our clients need us to be, and Gibbons attorneys from every location can quickly and easily assemble to meet any litigation demand."

**Consumer Class Actions:** New Jersey is one of the most active jurisdictions in the country for consumer class action lawsuits. From consumer products—such as printers, cameras, automobiles, pharmaceuticals, medical devices and nutritional supplements—to contracts, gift certificates, junk faxes and receipts, if a company interacts with consumers, or manufactures, sells or advertises products or services, it is, by definition, vulnerable to

*continued on page 36*



*continued from page 35*

class action lawsuits. Gibbons has experienced attorneys who adeptly handle state and federal class actions asserting the range of common law and statutory claims.

**Products Liability:** Often called “America’s Medicine Chest,” New Jersey is home to several of the world’s largest and most well-known pharmaceutical and medical device manufacturers. Given the state’s world-class educational and research institutions, promising start-ups also abound. At the same time, various consumer product manufacturers find themselves involved in products liability lawsuits in the region. To ensure that clients benefit from highly focused counsel, the Gibbons Products Liability Department is divided into three teams—Pharmaceutical & Medical Device, Laboratory Defense, and General Products—to allow the attorneys on each team to attain specific insight into the particular pharmaceuticals, devices, consumer goods, technologies and other products or services with which they interact on behalf of clients.



**Media Law:** The evolution occurring within the print media, with content becoming more Internet-based, poses issues not only of free speech, such as defamation and invasion of privacy, but also, for example, trademark and copyright concerns, partnering agreements and even environmental matters (as newspapers shed printing plants). Constitutional free speech issues are converging rapidly with significant related issues. The Gibbons Media Law Team has represented a cross-section of media throughout the state for more than 35 years, and has been an active participant in the industry’s transition, in both traditional and new media landscapes, helping clients adapt throughout this evolution.

**Intellectual Property Monetization:** Many companies today are unsure about how to handle the large intellectual property portfolios they built up before the recession. They are pressed to reduce the expense of maintaining noncore IP portfolios, but at the same time believe they have some exceptional patents for technology that is just not central to their businesses. There are also small companies that lack the resources and expertise to monetize their patents. Gibbons has broadened its

traditional IP practice to help clients, on an alternative fee basis, identify their most valuable intellectual property assets, and then develop and implement plans to monetize them. They use the Gibbons IP Topography program, a patent-pending tool developed by a Gibbons director, which provides clients with interactive graphical representations of their intellectual property, creating custom reports that help explain the state of the current intellectual property market, the state of the client’s intellectual property and the extent of competitors’ intellectual property.

**Regional Real Estate and Land Use:** Numerous area businesses, whether they are developers or simply growing companies, are beginning to expand again, and their growth is not limited to New Jersey. Gibbons real estate attorneys practice throughout the region, handling just about anything to do with commercial real estate, from purchases and sales to financings, leases, tax abatements,



condominiums, joint ventures, condemnation, tax appeals and landlord-tenant issues. Moreover, the firm has led development and redevelopment projects of all sorts in almost 450 municipalities in New Jersey, New York, Pennsylvania and Connecticut. As an added distinction, they routinely assist with large volume, multiple site developments for individual clients and provide comprehensive reporting and tracking of the complex approval process through a proprietary development approval management process called "Site Tracker."

Says Gibbons Real Property & Environmental Department Co-Chair Russell B. Bershad, "Our clients are the kinds of companies that touch our lives every day. We live in the homes they build or manage. We are protected by their security systems. We get heat from their equipment. We take our kids to their restaurants, and shop at their supermarkets. We get coffee at their convenience stores, and protect and restore our health with medicines that are sold at their pharmacies. As a law firm, Gibbons has to be sure that we can meet their needs, wherever they need us."

**Labor Law:** In 2011, Gibbons added a traditional labor component to its employment law practice and increased its employment and labor law presence in the Southern New Jersey/Philadelphia region. Gibbons attorneys now provide full-service support for clients' traditional labor needs, assisting unionized and non-unionized employers alike, while also assisting with corporate transactions, mergers, acquisitions, reorganizations and bankruptcy proceedings, including plant shutdown planning and implementation, reductions in force, and relocation.

"It was imperative that we expand our regional labor and employment coverage, which is key for so many of our clients who are regional employers, particularly in the New York / New Jersey / Pennsylvania / Delaware region," says Gibbons Employment & Labor Law Department Chair Christine A. Amalfe. "Adding a focus on traditional labor law will serve clients well at a time when union and labor issues are increasingly prominent in workplaces across the country."

**Government Affairs:** Local, state and federal governments make decisions every day that materially impact the interests of businesses and other organizations throughout New Jersey. The *New Jersey Law Journal* recently ranked Gibbons the state's #1 lawyer-lobbying firm for the third year in a row. In addition, the firm

recently built on the strength of its long-standing state lobbying practice to nurture two new areas of practice: federal lobbying and media relations/crisis communications. These two new practices within the Government Affairs Department have generated significant revenue and strengthened client relationships during the recent challenging economic climate.

"Sitting on the sidelines as legislation or regulation reshapes their playing fields is simply not an option for our clients," says Gibbons Government Affairs Department Chair David A. Filippelli. "We are here to make sure their voices are heard."

**Fiduciary Representation:** As the fallout from the recent economic downturn continues to settle, bankruptcy courts will continue to appoint trustees to protect the wide-ranging interests of various stakeholders during bankruptcy proceedings. By expanding its focus on fiduciary representations, the Gibbons Financial Restructur-



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ing & Creditors' Rights Department currently represents the trustee in one of the most extensive, far-reaching and complex bankruptcies ongoing in the United States.

### The Next 85 Years and Beyond

"As a firm, we will continue to strategically plan and develop ever more responsive ways to meet client needs and exceed their expectations," says Mr. Dunican. "Nonetheless, we are perfectly positioned for the next 85 years and beyond, thanks to the lessons we learned, the practice area enhancements we introduced and the client service initiatives we refined in 2011, after a strategic look back at our previous 85 years." ■