

General Litigation
2014 Winner

New Jersey Law Journal

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Litigation *Department* OF THE *Year*

Gibbons P.C.

Litigation Department OF THE Year

Editor's Note

In just the second year that the *Law Journal* has been rating law firm litigation departments based on their recipes for success, participation among firms was noticeably more enthusiastic, and consequently, competition was keener. It was no easy task deciding on winners and finalists among a field of such strong contenders.

As before, the competition was open to any litigation firm with a New Jersey presence. We distributed questionnaires by email and on our website, asking firms to provide us with detailed information about their litigation victories in 2013 and the lawyers who attained them and about how their litigation departments are run.

The contest has two distinct categories: (1) general litigation and (2) specialty practice areas, namely, commercial litigation, labor and employment, insurance, intellectual property and real estate. We chose a winner in each category and, where appropriate, selected finalists who also made strong showings.

While we sought to give recognition to litigation departments in our area, we took into account cases led by New Jersey attorneys in out-of-state courts, in recognition that many lawyers and firms have regional or national practices.

We found that firms' philosophies converge on desirable goals for their litigation departments, in terms of effective management, cost limitation and client service, but their approaches differ. I hope that these profiles will offer guidance to other firms on what seems to work best.

— Ronald J. Fleury
Editor in Chief

WINNER: GENERAL LITIGATION

Fostering Creative Solutions for Litigators

Gibbons leads in e-discovery and other control initiatives

As a Mid-Atlantic regional firm, Gibbons holds to a middle-market business model: one that allows it to cater to mid-sized businesses while offering Fortune 500 companies cost-effective alternatives to Big Law.

It handles major litigation for mid-market companies (with annual revenues of \$100 million to \$2.5 billion) and mid-market litigation for major companies within the N.J.-Pa.-Del. region.

Gibbons also leads litigations throughout the U.S. with and against the country's largest law firms in matters with significant exposure or potential recovery.

Several attributes of its business operations make the firm stand out for general litigation department management.

- **E-discovery task force.** This interdisciplinary group was formed more than nine years ago, before the Federal Rules of Civil Procedure were amended to address electronic discovery. These attorneys, IT specialists and knowledge management professionals assist Gibbons clients in facing and surmounting challenges associated with e-discovery and information governance. The task force monitors decisional law, relevant regulations and emerging trends; offers practical, cost-effective strategies for dealing with e-discovery demands; and drafts and implements customized information management, social media and litigation hold policies.

The task force runs a blog, www.ediscoverylawalert.com, and hosts an annual, full-day E-Discovery Conference open to Gibbons clients and prospective clients. It also designs and implements the firm's E-Discovery Training Programs, an informative, wide-ranging series of sessions designed to help clients recognize and meet their obligations regarding electronically stored information. Sessions are customized for various levels of employees, different industries and the specific needs of individual companies.

- **Litigation support.** A separate litigation support department offers expertise in addressing the various issues related to e-discovery, along with guidance in the management and analysis of those large amounts of data. It serves as a practical

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resource to assess and manage the relevant data over the course of a litigation and to determine the most cost-effective way to process that data and present it in a format suitable for attorney review and production when needed.

Relying on litigation support best practices, the team provides guidance and support to case teams during the various stages of the electronic discovery life cycle, from the very start of a case to the conclusion, using a number of in-house document review platforms. The litigation support team comprises individuals with years of technological experience who possess particular knowledge about processing ESI received in litigation matters and who can advise attorneys on efficiently and cost-effectively preparing that data for review and production. They handle the full range of prelitigation tasks; discovery planning; collection, processing, and review of documents; document production; quality control; vendor management; and factual investigations.

- **Alternative fees.** Gibbons offers year-over-year cost-saving and productivity initiatives, based on discounts off standard hourly rates. The firm calls this combined discounted hourly rates/volume-based discounts model—which depends on the amount of work the firm will handle for the company—its most effective alternative fee arrangement.

Others include task-based billing; fixed fee billing; blended rates; cost-plus contingency; and result-oriented billing.

- **Focus on judicial clerkships.** Since eliminating its summer associate program more than 10 years ago, Gibbons has focused on hiring new associates who have completed a judicial clerkship. Today, the firm boasts more than 100 former judicial clerks, who brought with them in-depth, first-hand knowledge of judges in the federal and state systems and

the inner workings of the courts.

Gibbons attorneys have clerked for federal or state judges, including many sitting judges and justices of the U.S. Court of Appeals for the Third Circuit; the U.S. District Court for the Districts of New Jersey and Delaware and the Eastern District of Pennsylvania; the Supreme Courts of New Jersey, Delaware and Pennsylvania; New Jersey and Pennsylvania Appellate Divisions; and Chancery Courts throughout the region.

A judicial perspective to clients' cases is further enhanced by the formidable group of retired jurists at the firm: John J. Gibbons, former chief judge of the Third Circuit; James R. Zazzali, former chief justice of the Supreme Court of New Jersey; Andrew G. T. Moore II, former justice of the Supreme Court of Delaware; and Edwin H. Stern, former presiding judge for administration of the New Jersey Superior Court Appellate Division, who retired after a temporary assignment on the New Jersey Supreme Court.

This group is a unique resource, providing distinctly valuable insight to the department's attorneys and

clients on an array of projects, including appeals, moot court practice sessions for arguments, mediations and arbitrations, and institutional ethics and corporate governance issues.

Representative Litigators

- Patrick C. Dunican Jr., firm chairman and managing director, concentrates his practice in commercial and securities litigation.

- Brian J. McMahon chairs the Business & Commercial Litigation Department and is an executive committee member. His litigation practice focuses on complex corporate and commercial disputes.

- Kim M. Catullo, who chairs the Products Liability Department and is an executive committee member, litigates in pharmaceutical, medical device and lab defense.

- Christine A. Amalfe chairs the Employment & Labor Law Department, is a member of the executive committee and is the firm's human resources general counsel. She concentrates in management-side workplace litigation.

- Frederick W. Alworth, a commercial

Gibbons by the Numbers

	Firm-wide	N.J. Office
Department Size (attorneys)	163	117
Department Size as Percentage of Firm	71%	72%
Department Revenue as Percentage of Firm	83.5%	83.5%

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Left to right: Michael R. McDonald, Christine A. Amalfe, Brian J. McMahon, Peter J. Torcicollo, Patrick C. Dunican Jr., Michelle M. Bufano, Michael F. Quinn, Kim M. Catullo, Thomas J. Cafferty and Frederick W. Alworth.

litigator, has served as lead trial counsel in business and real estate-related litigations in New Jersey and multiple states.

- Michelle M. Bufano concentrates her practice in product liability and mass torts litigation, with a focus on pharmaceuticals and medical devices.

- Thomas J. Cafferty has extensive experience in litigating and counsel-

ing First Amendment and media issues and has been general counsel for the New Jersey Press Association for over 30 years.

- Michael R. McDonald has extensive experience litigating complex commercial cases, including consumer fraud and consumer product-related class actions.

- Michael F. Quinn has more than 30 years of litigation experience encompassing a wide range of corporate and business disputes, cross-cutting several industries.

- Peter J. Torcicollo, the Construction Litigation Team leader and a member of the executive committee, covers all facets of construction disputes in state and federal courts. ■

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