

New Jersey Powerhouse: Gibbons

By **Bill Wichert**

Law360 (August 28, 2018, 7:54 PM EDT) -- Gibbons PC notched a pair of sports victories of national and global proportions in recent months, helping to secure a U.S. Supreme Court decision that struck down a federal ban on sports betting and gain FIFA approval of a joint bid from the United States, Canada and Mexico to host the 2026 World Cup.

In the first of the wins landing the firm on Law360's New Jersey Powerhouses list, a high court majority on May 14 agreed with Gibbons and other firms that the Professional and Amateur Sports Protection Act, which blocked New Jersey and other states from authorizing sports betting, violated the anti-commandeering principle of the 10th Amendment.

Throughout the yearslong legal battle over the federal law, Gibbons made the argument that "the federal government can't just tell the state government, state legislature what it can and cannot legislate," said renowned litigator Michael R. Griffinger, one of the Gibbons attorneys who represented the New Jersey Legislature in the case.

"And that was the premise from the beginning and we were finally vindicated," Griffinger added.

About a month after the Supreme Court victory, FIFA member nations on June 13 voted in favor of the North American joint bid for the 2026 World Cup over a competing bid from Morocco, bringing the international soccer tournament back to North America for the first time since the U.S. last hosted, in 1994.

Kevin S. Evans, a Gibbons attorney who represented the New Jersey Sports and Exposition Authority and the state in connection with the bid, said the level of excitement and global interest that the event generates is fantastic.

An avid soccer fan himself, Evans said helping to bring the World Cup to the New Jersey region was "a thrill."

With about 160 of its roughly 200 lawyers based in the Garden State, Gibbons remains a heavy hitter on the legal scene in New Jersey, more than 90 years after the Newark-based firm was founded by Andrew Crummy.



The firm takes its name from John J. Gibbons, who joined the firm in 1950 and returned in 1990 after spending about 20 years as a Third Circuit judge. James R. Zazzali, former chief justice of the state Supreme Court, and Edwin H. Stern, former presiding judge of the state Appellate Division, call Gibbons home as well.

Gibbons' team also includes seasoned attorneys such as criminal defense department chair Lawrence S. Lustberg, employment department chair Christine A. Amalfe, corporate department chair Frank Cannone and products liability department chair Kim M. Catullo. Further, the firm only hires associates who worked as judicial clerks in state or federal court.

Patrick C. Dunican Jr., chairman and managing director of the firm, referred to its lawyers as "a collection ... of all-stars."

"If you have a very complex issue in need of the very best lawyers, Gibbons is among a handful of firms that you're going to turn to because of the quality of the lawyers that are working here," Dunican said.

The firm's varied portfolio includes representing clients in the pharmaceutical, health care, medical device, hospitality and gaming industries, as well as higher education, Dunican said. Raising Gibbons' profile — and helping to drive business in other practice areas — has been the firm's work on behalf of public entities and its lobbying efforts, he said.

Aside from the lawyer-lobbyists in its Trenton office, Gibbons has expanded its government affairs practice to Washington, D.C., where the firm opened an office in July and is planning to add even more attorneys, according to Dunican.

With its D.C. office, the firm is looking to capitalize on the relationships it formed as counsel to President Donald Trump's transition organization in 2016 and its ongoing relationships with members of New Jersey's congressional delegation, Dunican said.

"We think that we can serve clients on both sides of the aisle in Washington," Dunican said.

In one of its most high-profile achievements in the public sector, Gibbons and other firms were on the winning end of the hard-fought legal squabble over sports betting. Less than a month after the Supreme Court struck down PASPA, New Jersey Gov. Phil Murphy signed legislation to permit sports betting at casinos and racetracks.

One of the key factors behind the high court win is that "simply we were right on the law," according to Gibbons attorney Thomas R. Valen, who worked on the matter with Griffinger and Jennifer A. Hradil.

"PASPA was a very unusual statute," Valen said. "It was Congress telling state governments what they could do in their governmental capacities and that [is] structurally not the way it works."

Hradil added that she always viewed the case as involving "a very fundamental federalism issue."

"This was so fundamentally wrong ... that the federal government could tell states what state law should be," Hradil said.

In several of their briefs, the Gibbons attorneys even reached back to the nation's founding by citing the

Federalist Papers to make the point that "Congress does not have the right to dictate the content of state law ... to states," Valen noted.

"This was exactly one of the issues that the framers kicked around — what's the relationship between Congress and the state legislatures, who determines what state law is — and they decided very clearly that the states do," Valen said.

While the sports betting litigation required such a historical perspective, the effort to bring the 2026 World Cup to the U.S., Canada and Mexico meant looking toward the future.

As part of putting together the joint bid, Gibbons coordinated with various stakeholders in the region on assembling documents related to an array of issues, including marketing rights, facility management and security standards, in connection with soccer games at MetLife Stadium in East Rutherford and the use of other area locations.

Gibbons sought to ensure that flexibility was built into the arrangements with the regional parties to match the conditions at the time of the World Cup, according to Evans.

"Although the documents are intended to be binding commitments ... the level of the commitments have some flexibility," Evans said. "What you end up delivering at the end of the day ... will be more reflective of ... the reality in eight years' time."

Duncan said Evans played a critical role in the bidding process.

"Without the work that he did on that, it probably wouldn't have been awarded to the U.S.," Duncan said.

--Additional reporting by Zachary Zagger. Editing by Marygrace Murphy.