

Does Your Business Have the 'Horsepower' for Long-Term Success? Good Legal Advice Can Make the Difference Between First and Last

COMMERCE magazine's Third Annual Law Firm Managing Partners Roundtable explores niche practices, trends and the legal challenges facing New Jersey's business community.

COMPILED BY MILES Z. EPSTEIN
EDITOR, *COMMERCE*

SUCCESSFUL BUSINESSES SEEK OUT legal advice before all of their major moves, from mergers to acquisitions, from relocating to bigger facilities in another state to seeking tax incentives to stay put in an existing facility. For growth and to change with the market, the role of law firms is most often to make sure their client is protected from liability to the extent possible, and is taking advantage of the best possible deal under the law. For all of the jokes about lawyers, there isn't a business that would make a significant decision without consulting one.

Given the important role attorneys and law firms play in business success and expansion, *COMMERCE* magazine presents its Third Annual Law Firm Managing Partners Roundtable, featuring the following managing partners, listed in alphabetical order by last name:



John R. Blasi, *Managing Partner, Lindabury, McCormick, Estabrook & Cooper*



Kevin J. Coakley, *Managing Partner, Connell Foley LLP*



Patrick C. Dunican, Jr., *Chairman & Managing Director, Gibbons P.C.*



John Eagan, *Managing Partner, Norris McLaughlin & Marcus*



Gary S. Graifman, *Managing Partner, Kantrowitz Goldbamer & Graifman*



Jerry D. Goldstein, *Managing Partner, Goldstein, Vespi & Vazquez*



William F. Maderer, *Managing Member, Saiber LLC*



David H. Nachman, *Managing Partner, Nachman & Associates*



Steven J. Pudell, *Managing Shareholder, Anderson Kill & Olick, P.C.*



Richard W. Schey, *Managing Partner, Jackson Lewis LLP*



Samuel Weiner, *Co-Managing Partner, Cole, Schotz, Meisel, Forman & Leonard, PA*



Gary Wingens, *Managing Director, Lowenstein Sandler*



Saul A. Wolfe, *Managing Partner, Skoloff & Wolfe, P.C.*

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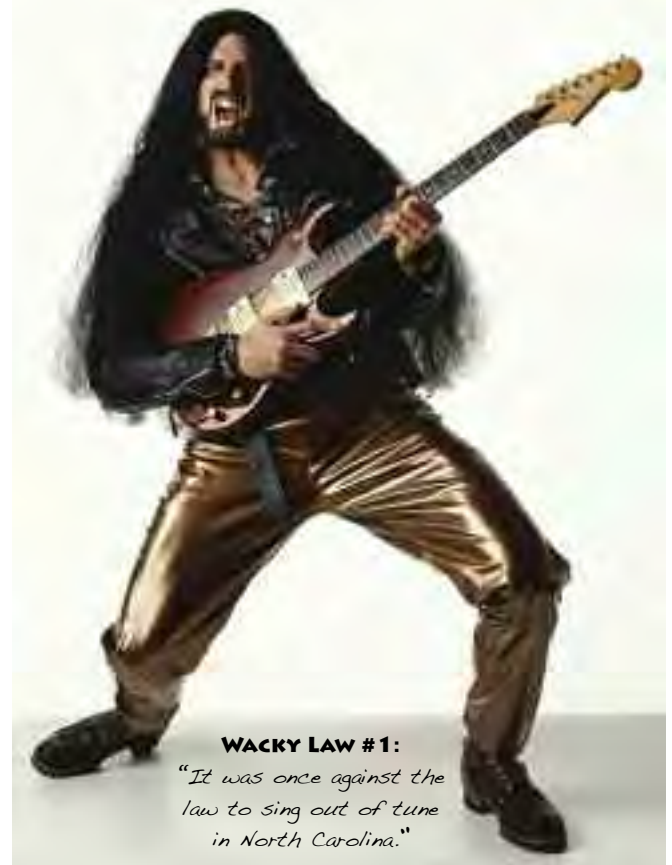


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Q. *What courtroom or legal trends are you seeing that should concern businesses?*

EAGAN: Although the economy has slowed considerably due to rising prices, a weakened dollar and the credit crunch, we have been very busy assisting our clients in finding creative ways to thrive and grow their businesses. For example, due to the weakened U.S. dollar our Corporate Law Group has seen a significant upswing in work with foreign entities wishing to invest in the United States, and our domestic clients are welcoming this influx of foreign capital. Also, the credit crunch has been forcing some of our clients to seek new ways to grow their businesses as opposed to financing through banks and other traditional funding sources. As such, we have been busy helping our clients negotiate, structure, and close more private placements, joint ventures and other strategic alliances with business partners. For clients willing to consider these alternative funding sources, there are now many opportunities besides the traditional funding sources.

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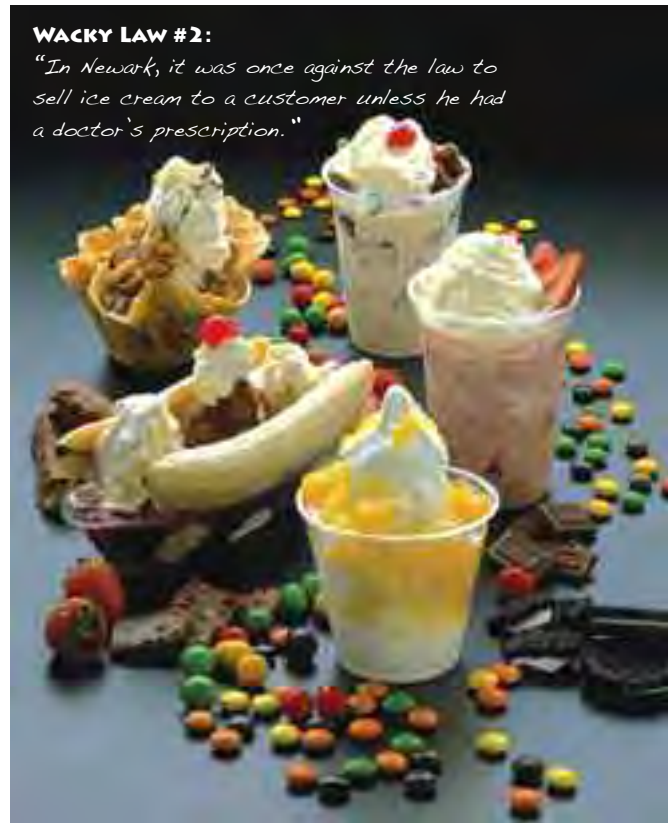
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 or James C. McCann Esq.
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MADERER: Recently there has been an explosion in questionable claims by terminated employees. Almost every individual falls into a protected class and is able to artificially create a claim for wrongful termination. These claims often come with an extremely high price tag which might potentially outweigh the value of any settlement. Particularly in claims of wrongful termination, there can be a multitude of witnesses, all of whom have to be located and deposed, and substantial factual allegations which must be researched and resolved. Establishing the reasons for employee termination is often difficult because it comes down to a “he-said-she-said,” and such material issues of disputed fact often prevent the employer from prevailing on a dispositive motion. It is risky to proceed to trial and allow a jury’s emotional connection to a particular witness win a case. In addition to the above issues, and to add to the exorbitant costs of these claims, certain state statutes such as the New Jersey Law Against Discrimination and the Conscientious Employee Protection Act all make attorney fees recoverable and wrongful termination suits often award both back pay and front pay damages.

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WACKY LAW #2:

“In Newark, it was once against the law to sell ice cream to a customer unless he had a doctor’s prescription.”

**Spotlight on...
Norris McLaughlin & Marcus**

Norris McLaughlin & Marcus has been serving the business community of the New Jersey and New York metropolitan areas since 1953. Once a humble, two-man practice on Main Street in Somerville, New Jersey, Norris McLaughlin & Marcus has grown to become the largest firm in Somerset County and one of the top 20 firms in the state, with a second office in New York City.

The firm enjoys an international reputation for excellence through its membership in Meritas, the largest worldwide affiliation of high-quality, mid-sized law firms. With Meritas, Norris McLaughlin & Marcus is able to extend its services to clients in every state and in more than 70 foreign countries.

The more than 100 attorneys at Norris McLaughlin & Marcus embody large-firm talent in a small-firm setting. The combination of legal talent and personable surroundings allows attorneys at Norris McLaughlin to provide excellent service and value to their clients. The clients of the firm run the gamut, from Fortune 500 corporations to smaller publicly and privately held companies to start-up companies and individuals. The attorneys, with staff assistance, provide legal services in nearly every area of business law. A full practice area listing can be found at www.nmmlaw.com. ■



(L-R) Bob Marcus, chairman of the firm’s Management Committee, and firm partner Edd Hogan.

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These issues can be extremely dangerous to a potential litigation and a likelihood of success must be discussed at length with the client before making a decision to settle or proceed to trial.

Q. *What type of niche law practices do you offer and when should clients use them?*

BLASI: Although Lindabury is a general practice business law firm that offers a broad range of legal services, including personal legal services, we have certain specialty practices that can provide critical help to businesses, organizations or individuals facing particular legal issues. In construction, for example, we routinely provide representation to subcontractors as they negotiate contracts, prepare bids, file and prosecute liens, and prosecute and defend against claims. On environmental matters, we represent large and small businesses as they address issues involving site inspection and remediation, underground storage tanks, asbestos, and spills and discharges of hazardous substances. Our labor and employment attorneys regularly negotiate collective bargaining agreements and labor contracts in the education and public safety sectors. We also represent company management in all aspects of federal and state employment law, including all discrimination, compensation, contract and termination issues. Our employee benefits attorneys provide counsel to trustees of many employee benefits funds regarding ERISA fiduciary liability and benefits plan design, implementation and administration issues. For individuals we have a large trusts and estates practice. Our attorneys prepare wills,

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WACKY LAW #3:
"The first lawyer to use fingerprints in a criminal case was Pudd'nhead Wilson, a character created by Mark Twain in 1894."

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living wills, trusts, powers of attorney and other important documents. We also have extensive experience in estate administration, probate law and estate litigation.

COAKLEY: We offer substantial expertise in real estate law and land use, including development, financing and leasing. Our background has been particularly useful to financial institutions in transactions substantially collateralized by real estate assets. We have decades of construction law experience representing owners, developers, design professionals, suppliers, contractors, architects and engineers in all phases of legal disputes. We handle all aspects of public bidding law matters, including both litigation and dispute resolution. Our labor and employment law attorneys represent clients facing claims of wrongful discharge, breach of employment contracts, alleged discrimination, and retaliation under the ADEA, Title VII, ADA, FMLA, NJLAD, and violation of other federal and state anti-discrimination and whistle-blower statutes. We also represent corporations in their employment-related immigration matters. Connell Foley is also well-versed in Internet and information technology law. Today, many businesses reach cus-

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Spotlight on...Patton Boggs LLP



Located in Newark, Patton Boggs' New Jersey office provides a wide range of legal services to its clients. Its professionals handle virtually all types of complex commercial litigation, notably in the areas of toxic tort, product liability, consumer fraud, intellectual property and antitrust, while also dealing with a variety of environmental litigation and regulatory matters, ranging from Superfund-related hazardous waste litigation to counseling industrial clients on federal regulatory matters and state laws.

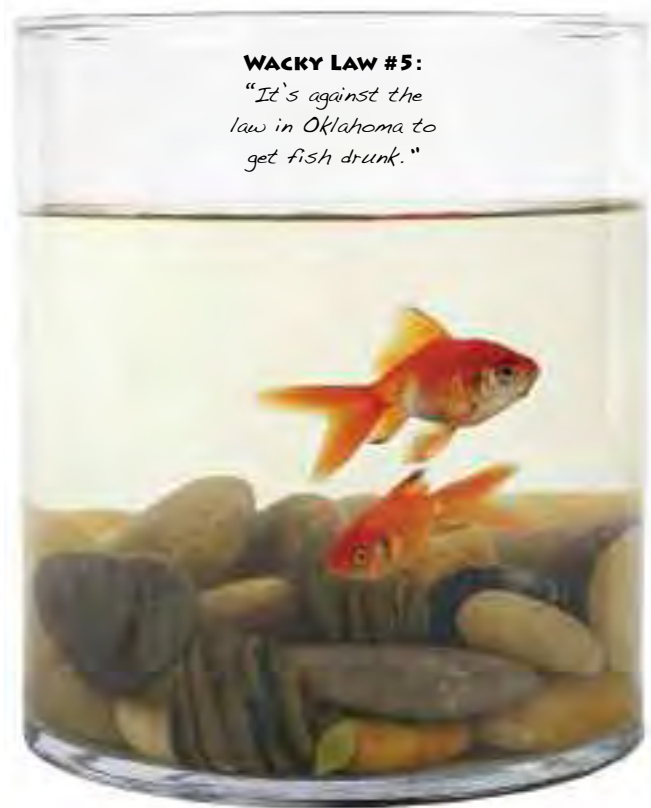
Based in Washington DC, Patton Boggs is a national leader in public policy, litigation and business law, and is well known for its deep bipartisan roots in the national political arena. The firm's core practice areas are Public Policy and Regulatory, Litigation, Business and Intellectual Property. With offices in Northern Virginia, New Jersey, New York, Dallas, Denver, Anchorage, and internationally in Doha, Qatar, the firm's more than 600 lawyers and professionals provide comprehensive, practical, and cost-effective legal counsel to clients around the globe. ■

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tomers by means of blogs, specialized social networks, and other “Web 2.0” sites that incorporate “user-generated content.” We help businesses navigate in these newly developing areas to gain maximum advantage while minimizing third-party liability. Finally, the firm has a strong record in the area of patent litigation, working with pharmaceutical and technology companies and their patent counsel to develop cost-effective litigation strategies to protect their most crucial intellectual property assets.

DUNICAN: One example of a niche industry practice at Gibbons is our Life Sciences Team, which counsels established and emerging pharmaceutical, biotechnology, medical device, chemical and other healthcare companies, and their related research and financial institutions. An increasingly dominant force in our region’s economy, this industry requires legal representation in diverse disciplines to address its distinct challenges and opportunities. By implementing a team structure around the attorneys who service the life sciences industry, we facilitate administration, enhance client service and enable targeted, ongoing training and education on the industry’s most current issues, trends, and

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**Spotlight on...Jackson Lewis LLP,
Representing Management on
Workplace Issues for 50 Years**

Jackson Lewis is one of the largest law firms in the country dedicated exclusively to representing management on workplace issues. The firm has successfully handled cases in every state and is admitted to practice in all Circuit Courts of Appeal and in the United States Supreme Court. With 475 attorneys practicing in 37 offices, the firm has a national perspective and sensitivity to the nuances of regional business environments.

For 50 years the firm has represented a wide range of public and private businesses and non-profit institutions in a vast

array of industries. When issues arise, Jackson Lewis devises optimal solutions that minimize costs and maximize results. Whether counseling on legal compliance or litigating a complex case, the firm assists its clients in achieving their business goals.

In addition, Jackson Lewis helps employers create policies and procedures promoting positive employee relations. The firm has built its practice and earned a national reputation over the years by helping companies reduce workplace-related litigation by educating management on legal trends, judicial developments, and statutory and regulatory compliance in the rapidly evolving area of workplace law. Jackson Lewis’s state-of-the-art preventive law programs utilize the firm’s expertise and unmatched experience to evaluate employment trends and related litigation, minimizing the risk of exposure in future lawsuits. ■

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outlook, and the legislation and court rulings impacting it. For example, even corporate transactions and financings take on special considerations when the process begins in a laboratory. The Gibbons Life Sciences Team also tackles the full range of matters, in the transactional and litigation arenas, in the areas of intellectual property, government investigations, products liability, environmental compliance, employment and business immigration, and helps companies prevent or solve document retention and e-discovery problems.

GOLDSTEIN: Goldstein, Vespi & Vazquez is a boutique firm that has developed its niche in the area of construction law and real estate development. In addition to traditional contract negotiations, environmental review and plan approval, we provide feasibility analysis services. Our clients find that these services are especially important in rapidly changing markets. Developers are being challenged by declining property values and are now commonly faced with gaps in financing. We focus on aggressive approaches to keep our clients building whether it is through alternative types of debt financing, joint ventures or equity.

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WACKY LAW #6:
"It's against the law in New York City to open an umbrella in front of a horse."



Spotlight on...Gibbons Chairman and Managing Partner Patrick C. Dunican, Jr.

Patrick C. Dunican, Jr., was elected Managing Director of Gibbons P.C. in 2004, becoming at age 36 one of the youngest managing directors in the nation. During the past four years, he has increased the firm's revenues by \$40 million and profits by 100 percent, while organically adding 60 lawyers and opening new

offices in Philadelphia (which now boasts 40 lawyers) and Wilmington, Delaware. Dunican previously opened the firm's New York office, which since has grown to 40 lawyers. Gibbons joined the Am Law 200 in 2007 and now employs 230 lawyers.

Dunican has focused on training, retaining, and attracting

talented attorneys and employees by working closely with his management team to develop policies to ensure the firm is "Doing Good While Doing Well." This includes offering the "Gibbons Experience," a generous, extensive benefits package; donating more than \$1 million annually to worthy organizations through "Gibbons Cares"; and developing internal training and mentoring programs for firm attorneys through the "Gibbons Academy."

Under Dunican's leadership, Gibbons has been named one of the best places to work in New Jersey and Pennsylvania by various business publications, one of the 50 Best Law Firms for Women by *Working Mother* magazine, and one of the top 100 firms for diversity nationwide by *MultiCultural Law*.

Dunican was named an Ernst & Young Entrepreneur of the Year® in 2007. He is listed in the *Best Lawyers in America* and the most recent edition of *Super Lawyers* as one of the top 100 attorneys in the state. ■

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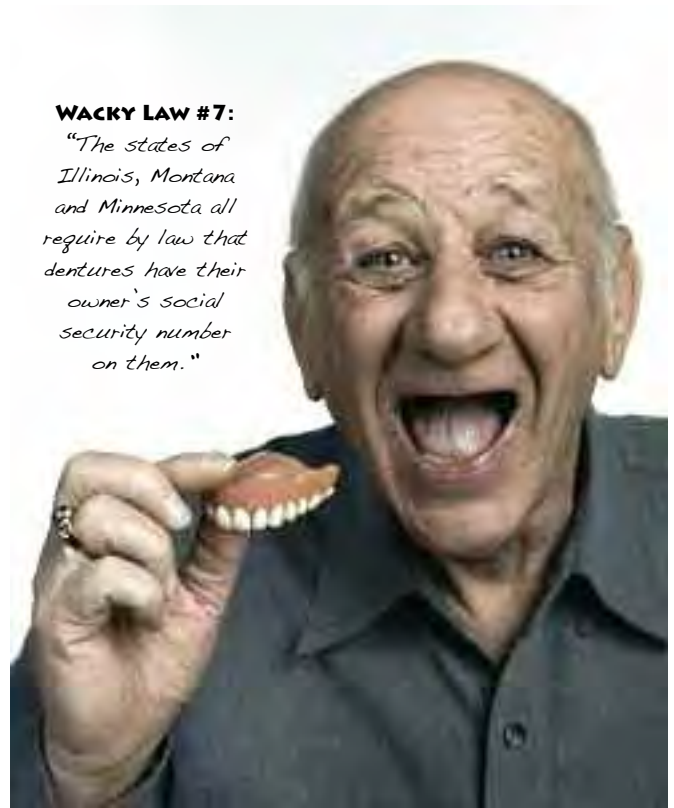
Knowledge of economic development programs, grants, federal and state financing solutions, tax credits and government equity opportunities is what sets our firm apart. Clients know that with the appropriate amount of patience, our lawyers will put together solutions that will get their projects done. During real estate booms, contractors and developers use our services to protect their interests. In a declining market, clients turn to us to help structure or restructure and finance deals that make sense. Many times this may mean obtaining funding from numerous sources and taking an unconventional approach to structuring a deal.

GRAIFMAN: For a relatively small law firm of nine attorneys, Kantrowitz Goldhamer & Graifman offers superior legal expertise in a substantial number of areas, such as employment law, matrimonial law, and wills, trusts and estates. In that respect, we have carved out a few niche areas that we excel in. For example, our employment law department offers training and consulting to employers in most facets of employment law. In fact, my partner, Randy Perlmutter, and I have addressed CIANJ's Human Resource Roundtable on a

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WACKY LAW #7:

"The states of Illinois, Montana and Minnesota all require by law that dentures have their owner's social security number on them."



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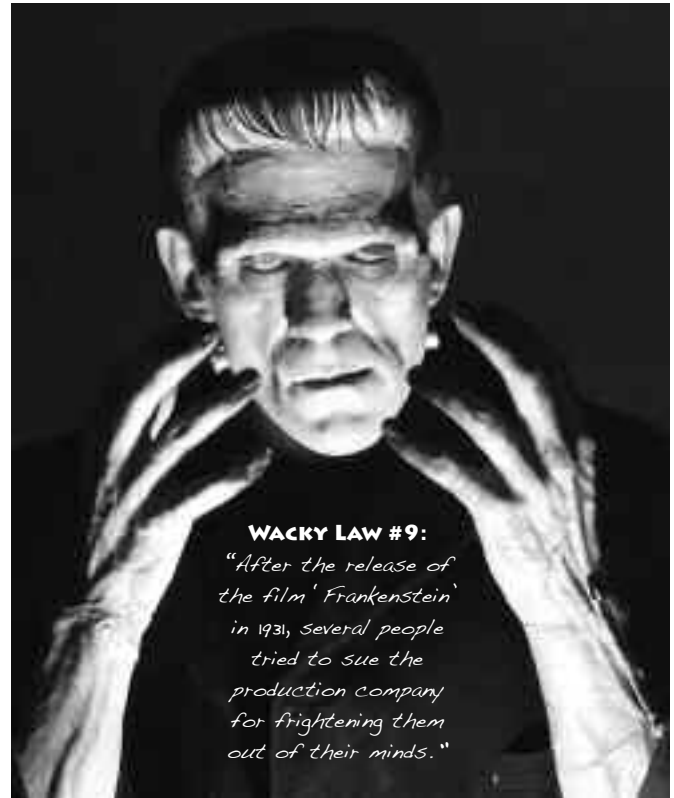
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countries. Global markets require national organizations to seek to transfer in as well as transfer out. We recently transferred a number of U.S. citizens to Quebec, Canada, to fill a need. Our firm continues to implement state-of-the-art technology to train employers about IRCA. We were chosen to administer a DOJ Grant. The Grant helps us to train employers about programs like: E-Verify, Social Security No-match Letters and IMAGE. We have been able to impart great value to our clients who have benefited from our training programs.

PUDELL: Anderson Kill has had significant success in maximizing insurance recoveries for policyholders in connection with environmental and toxic tort liability, products liability, professional liability, directors and officers' liability, business interruption losses and many other types of insurance. Our Insurance Recovery lawyers practice almost exclusively in this area of law. Anderson Kill's insurance resources are formidable. Our firm has experience handling most insurance coverage issues in almost every jurisdiction in the country. We have maintained our legal briefs, and those of the insurance companies, on computer databases along with

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WACKY LAW #9:

"After the release of the film 'Frankenstein' in 1931, several people tried to sue the production company for frightening them out of their minds."

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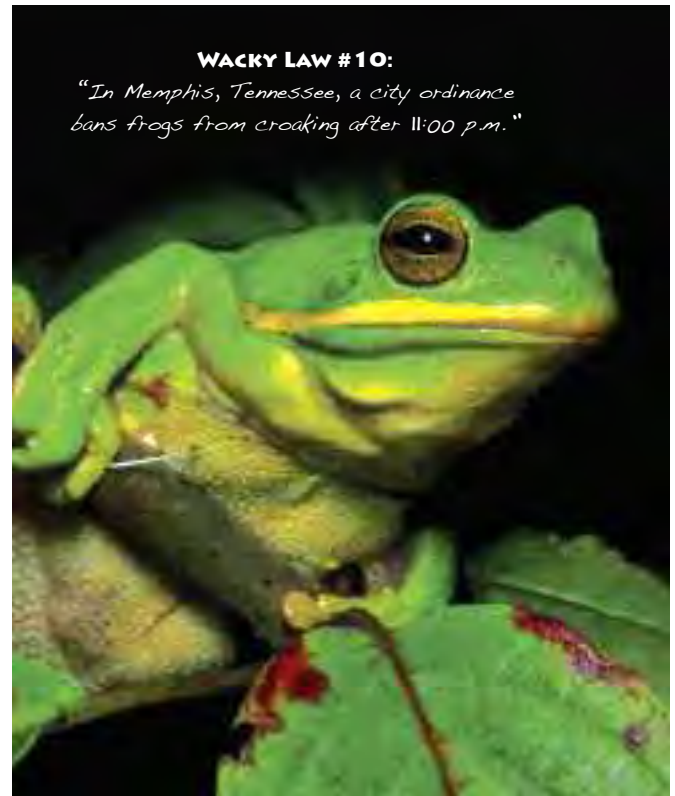
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many insurance industry documents. We know every nuance of the insurance industry's favorite paths to coverage denial, and we know how to counter those defenses. We urge our clients to contact us after they suffer a "loss" of any kind in order to determine which insurance policies might provide coverage. Even before a loss happens, the company's management should be considering how insurance policies may pay for potential losses. It is a misconception that insurance litigation is like every other litigation. For large claims, clients should consider law firms that have extensive experience with the type of insurance claim at issue. Insurance companies, when trying to avoid coverage, return to the same law firms over and over again. Policyholders trying to enforce their rights, and see the benefits of their premiums' dollars, also should hire a law firm that has the resources and knowledge to best represent their interests.

SCHEY: As one of the country's top labor and employment firms, with a national reputation that has attracted a roster of Fortune 500 clients, Jackson Lewis has some 475 attorneys practicing in 37 offices nationwide. We are proud that Morristown, New Jersey is

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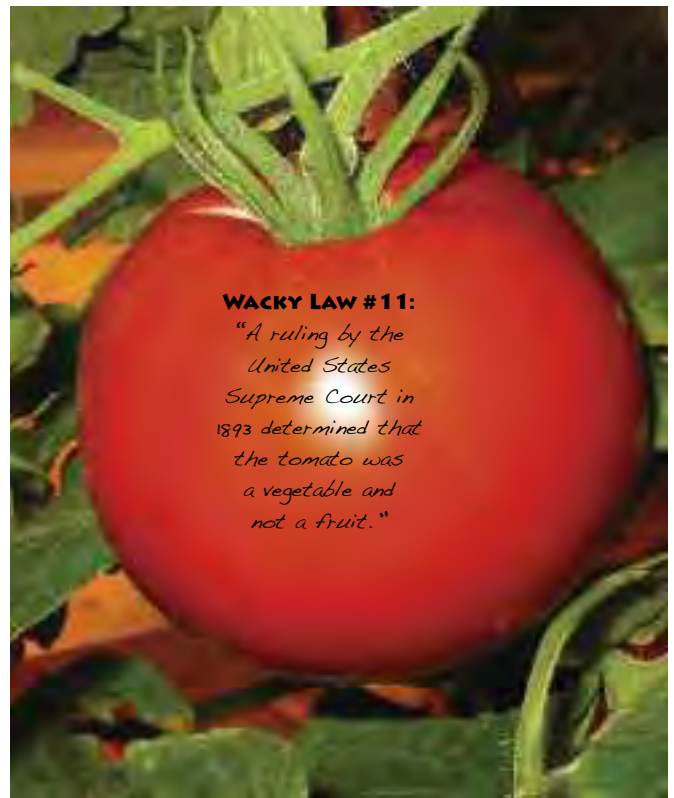
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home to one of our largest regional offices. Our 33 attorneys in New Jersey spend all day, every day, representing management in a wide range of workplace issues. Our areas of expertise include class action and complex employment litigation; labor relations, including preventive practices; employee benefits counseling, executive compensation, benefits litigation and workplace privacy; corporate governance and internal investigations; disability, leave and health management; immigration; international employment issues; and reductions in force. Jackson Lewis is considered the “go-to” law firm when New Jersey employers require a quick and accurate response to a workplace issue or situation. We are frequently involved in prominent cases and regularly counsel and advise clients on a variety of workplace issues important to those doing business in New Jersey, allowing seamless representation of the firm’s clients across jurisdictions.

WEINER: Cole Schotz’s Tax, Trusts & Estates Department is among the largest specialized groups in the Metropolitan New Jersey/New York area. Unlike many firms where this practice is simply an accommo-

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dation to its clients, ours is one of our largest, most well-respected departments. We represent many individuals of substantial means who are able to take advantage of sophisticated tax planning techniques to provide for their heirs. Many of our clients are also business owners with family-owned businesses where succession planning and asset protection are linked. In addition, we represent corporations concerned with a variety of tax and planning issues. Our practice extends to broader areas of tax and corporate law. This tax experience enables us to better understand the tax, business and human ramifications of various planning approaches. By better understanding succession issues, business operations and financial information, we can offer clients solutions to preserve assets both for their retirement and for their heirs, and to assure a guided future for their businesses. For our clients, we are not just their attorneys but their trusted business advisers. Many of Cole Schotz's clients have family-owned businesses where succession planning and asset protection are linked. In addition, we represent many individuals of substantial means who are able to take advantage of sophisticated tax planning techniques to provide for their heirs.

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WACKY LAW #12:
"In Chicago, it's against the law to eat in a restaurant that's on fire."



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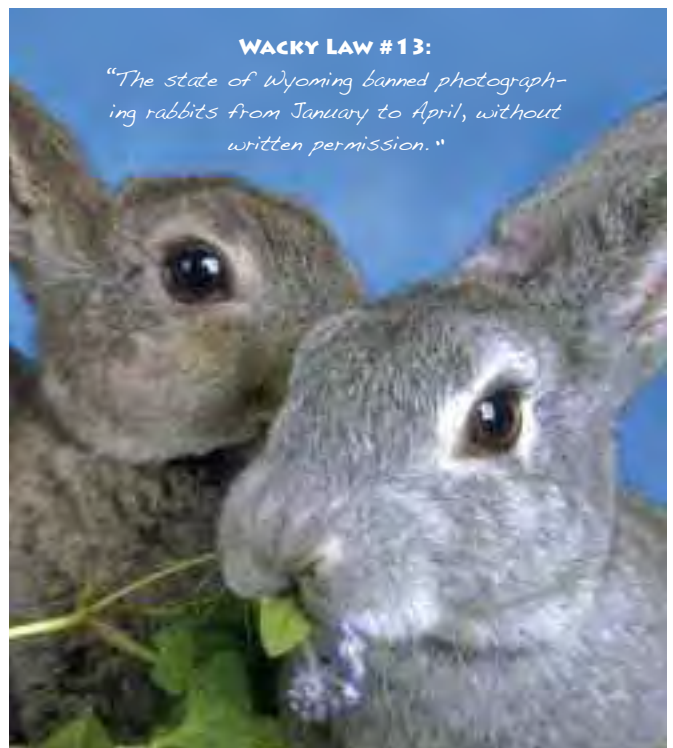



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WINGENS: Lowenstein Sandler is an *AmLaw* 200 firm with offices in Boston, New York, Palo Alto and Roseland, with approximately 275 lawyers practicing in one of three principal departments: bankruptcy, corporate and litigation. Lowenstein's corporate attorneys represent clients in complex transactions including M&A; business tax counseling; corporate finance and securities; intellectual property; and mortgage banking and finance. One of our practices is the tech group, which is involved in some of the largest and most complex financings in the U.S. venture capital market. Tech group attorneys assist clients in developing IP assets and building and protecting their portfolios, managing tech transfers and corporate spin-outs, and researching collaborations for clients that include inventors, businesses and investors. Another niche practice is specialty finance, which handles private investment in public equity (PIPE) and registered direct (RD) financing transactions for investment funds, leading national investment banks and issuers, in a vast range of deals worldwide. Our nationally recognized investment management practice represents leading hedge funds, private equity funds and other pooled investment vehicles, with assets under management ranging from \$50 million to more than \$30 billion. The attorneys in our bankruptcy practice represent debtors and creditors' committees in Chapter 11 proceedings, as well as diverse financial institutions managing troubled credit.

WOLFE: Although Skoloff & Wolfe has saved our clients tens of millions of dollars in property taxes, we are aware that many people fail to have their property assessments

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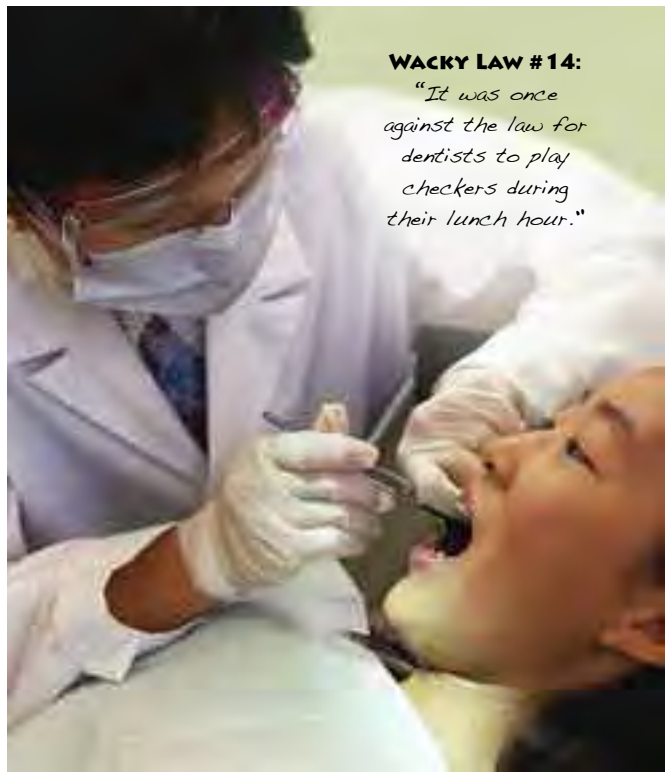
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reviewed annually by lawyers who work in this field on a daily basis. Annual review is essential to proper management of your property to be certain that you are not paying any more than necessary, as tax savings go right to your bottom line and make your property more attractive to a potential future buyer or tenant. Sadly, many over-assessed taxpayers only consult counsel when there is a dramatic increase in their assessment or tax bill, and frequently we find that they have already forfeited their right to relief. Failure to properly respond to an assessor's certified mail request for information deprives you of the right to appeal your assessment in the following year. If you ignore the postcard notice of assessment that you receive in the mail in January, and wait to see your final tax bill in the summer or fall, you'll miss the April 1 appeal deadline. Our seven-lawyer property tax group has more than 100 years of experience in the negotiation and litigation of real property values throughout the State. ■

* "Wacky Law" facts excerpted from Ripley's Believe It or Not! Encyclopedia of the Bizarre.



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