

LEGAL & LITIGATION DEPARTMENTS OF THE YEAR



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Front row left to right: Marc D'Angiolillo, Maha Kabbash, Brian O'Donnell, Glenn Clark, Michael O'Mullan, Anthony J. Borrelli. Back row left to right: Kelly Crawford, Frank Vitolo, Gerald Liloia, Lance Kalik, Bethany Abele.

RIKER DANZIG
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RIKER DANZIG TAKES OWNERSHIP OF CLIENTS' ISSUES, EYES THE FUTURE

The litigation group at Morristown-based Riker Danzig Scherer Hyland & Perretti handled a variety of complex matters in 2016, ranging from copyright to securities to civil rights, and including cases that went to trial or led to advances in the law. The group represented construction contractor Spectraserv Inc. in a dispute with the Middlesex County Utilities Authority stemming from wastewater treatment plant

renovations, obtaining evidence spoliation sanctions and a \$10 million settlement for the client. In defending a builder against claims by the New York City Housing Authority over asbestos-containing building materials claiming \$500 million in damages, the litigation group prevailed before bankruptcy, trial and appellate courts. And in a case that ascended to the U.S. Court of Appeals for the Third Circuit and yielded a precedential decision on arbitrability, the Riker team defeated a putative class action against Fidelity National Financial Inc. alleging overcharges in mortgage and deed transactions.

The responses were provided by partners Glenn Clark, Lance Kalik, Gerald Liloia and Michael O'Donnell.

What were some of the department's most satisfying successes of 2016, and why?

Riker Danzig's multi-faceted litigation group is extremely gratified in having resolved favorably numerous litigated disputes for our clients.

In 2016, we were particularly thrilled to help our client Spectraserv secure a \$10 million settlement prior to verdict in a trial that lasted two and a half months. We represented Spectraserv in a long and difficult legal battle with the Middlesex County Utilities Authority, lasting over 10 years. On its face, the case involved a contract dispute over the construction of improvements to a wastewater treatment facility. But

the circuitous and complicated scenario revealed allegations of fraud, conspiracy, political favors, destruction of evidence, and more, making the case very challenging to litigate, from both a legal and practical perspective.

We were also extremely proud of securing a precedential decision for Fidelity National Financial from the U.S. Court of Appeals for the Third Circuit. In *Chassen v. Fidelity National Financial*, we were able to end a putative class action that sought in excess of \$150 million by compelling the plaintiffs to submit to individual arbitrations of their claims, which was a tremendously valuable result for our client.

Is it a penchant for efficiency, or a willingness to go the distance as effective trial advocates, that gives the litigation department its reputation?

The two are not mutually exclusive. We have earned an outstanding reputation because our clients, and our adversaries, know that we are not reluctant to try cases when the circumstances require it and when it is in the best interests of our clients to do so. In our view, efficiency is a given, and we constantly look to resolve cases in the most cost-effective and expedient way possible. But when our clients are not able to obtain a settlement that they consider to be fair and proper, we pride ourselves in making sure that we stand ready to try the case in an extremely thorough and aggressive fashion. Our reputation is built on that.

A prospective client in crisis calls and asks why your team should be retained—what is your answer?

We tell our clients that we handle their cases as if our own interests were at stake. Because of that, our clients get an honest, forthright, and fair assessment of their case, which takes into account the relative costs, resources, and uncertainty of litigation, particular to the venue or forum of the dispute. We then tell our clients the various points in the process where they may have the most leverage to resolve the matter in a satisfactory way, but if they cannot reach a satisfactory settlement, we will litigate the case to win it. We find that being up-front with our clients about the costs and likelihood of success provides the greatest selling point because they see that we think through every facet and contingency of their case, and treat it as if our client's problem is our own. Our record of success and experience is also a selling point.

It's a challenging litigation market, with flat or declining demand, rate pressures, and other factors. From a business perspective, what does it take for a litigation department to succeed in this environment?

We believe that in order to succeed in this market, attorneys must be carefully attuned to the client they are serving. Clients want attorneys to pay attention to their unique circumstances, and to be responsive. We work hard to know our clients and the intricacies of their businesses, and understand fully their priorities and goals. We try to put ourselves in their shoes so we can

anticipate their concerns and allay their anxieties. It sounds old-fashioned, but we do everything we can to earn our clients' trust, so that they have confidence in our advice and turn to us when the next difficult problem arises in their lives or business. Of course, in today's competitive market, a firm must be flexible in structuring its fee arrangements to meet the needs of its varied clientele, which requires an ability to manage its cost structure and service levels.

Litigators are extraordinarily busy people. What does the firm do to ensure that they remain engaged with pro bono work, their communities and their families?

Public and community service has always been a hallmark of Riker Danzig's history and culture. From the time they are associates, we strongly encourage our lawyers to get involved in their communities, and to take on pro bono work of some sort. And although litigators tend to lead busy lives, so do many other professions and businesses. Yet, we feel it is an essential ingredient of every lawyer's duty to do their part in the community, and to choose the cause that best represents them and their individual passions.

One of the benefits of practicing law in New Jersey, and especially in a place like Morristown, is that you can more easily balance your work and your home life. Our attorneys can get to family functions and children's activities during the work week, attend recitals and sporting events, and even coach their kids. Most of our attorneys chose to work in New Jersey because of that work/life balance, and we encourage them to take advantage of it. For example, a number of our attorneys and staff recently took a few hours off in the middle of the week to help nonprofit Grow It Green get its urban farm in shape for the summer gardening season. We have people volunteering at local soup kitchens regularly. We invite a lot of the organizations our people are involved with to hold meetings at our firm because we want our people to be actively engaged with the fantastic not-for-profits in our community.

What is the firm doing to ensure that future generations of litigators are ready to take the helm?

We have a very effective and organic system of mentoring our associate litigators. We hire young

attorneys who are very smart, eager and enthusiastic about being lawyers, and who want to "get on their feet" as soon as they can. We therefore identify when those attorneys are ready, and encourage them to take on assignments that give them the confidence and experience to handle larger roles in the case. It is not unusual for our young attorneys to take and defend depositions, attend court hearings, and argue simple motions, which inures to our client's benefit. We also routinely ask our younger attorneys for their opinions and insights, and test their mettle—so that, as they become more seasoned, they are ready to offer advice to clients based on strong analytical skills and a thorough understanding of the subject matter of their case.

It has been that way from the early days at Riker, with Charlie Danzig, Everett Scherer, Peter Perretti and the firm's other legal giants, who trained the current partners of the firm. The current partners pass this knowledge and wisdom down to the young dynamic litigators that populate the firm today. ■