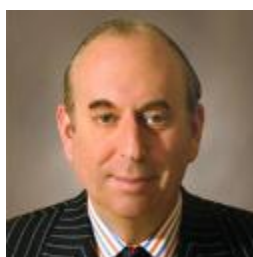


Pennsylvania Powerhouse: Duane Morris

By **Matt Fair**



Matthew Taylor



John Soroko

Law360, Philadelphia (June 17, 2015, 2:21 PM ET) -- When the Pennsylvania Supreme Court was facing almost daily headlines in 2014 about a then-justice who shared pornographic emails with staffers at the Pennsylvania Office of Attorney General, the court turned to a firm deeply rooted in the state's legal community to get to the bottom of things: Duane Morris LLP.

Leaders at Philadelphia-based Duane Morris — which has a highly regarded appellate practice and is one of seven Pennsylvania Powerhouses recognized by Law360 this year — suggested that the high court's reliance on the 111-year-old firm during the high-profile scandal was a testament to Duane Morris' status as a major player in a state well-known for a deep bench of legal talent.

"It's the utmost sign of respect for them to retain Duane Morris to advise the Supreme Court on such an incredibly sensitive matter," trial group chair Matthew Taylor told Law360.

With guidance from Duane Morris appellate division chair and former judge Robert Byer during a period of intense pressure and public scrutiny, the state's highest court saw Justice Seamus McCaffery forced into retirement over the scandal in October before a report in December cleared the other six justices of any involvement.

"Rob's a great lawyer, and a great leader of our appellate practice group in terms of his intelligence and skill and the kind of balanced judgment he demonstrates," Duane Morris CEO John Soroko said. "Those are all great qualities that I like to think all of our lawyers exhibit."

Having cultivated a solid foundation over decades of work in Pennsylvania, the firm has entered a major growth spurt in recent years, expanding into locations as far flung as Shanghai and Myanmar and increasing its roster to 700-plus attorneys.

“When I joined the firm in the mid-1970s we were one of the larger Philadelphia law firms, but our focus was almost entirely on Philadelphia and southeast Pennsylvania,” Soroko said. “As we got into the mid-’80s, we had some regional expansion into places like Wilmington, New Jersey and New York, and by the early ’90s we really started to grow into much more of a national firm. In the last couple of years, we have really moved into some international locations as well.”

With a team of 235 attorneys working from offices in Philadelphia and Pittsburgh, however, the firm maintains a major presence in Pennsylvania and continues to handle major pieces of work for marquee clients in the state.

Among Duane Morris' roster of notable Pennsylvania-based clients are H.J. Heinz Co.; software giant SAP America Inc.; the Philadelphia Zoo; and the American Philosophical Society, founded by Benjamin Franklin in 1743.

In addition to Byer's work as special counsel for the state Supreme Court, the Duane Morris appellate team has also been very active representing clients in major appeals before the high court.

The firm is currently representing Ford Motor Co. in a closely watched asbestos-related product liability appeal that could have major implications, both for the evidentiary standards plaintiffs have to meet to prove causation, and for how asbestos litigation is handled administratively in the infamous Philadelphia County Court of Common Pleas.

Ford is looking to reaffirm the state high court's ban on expert testimony that claims that any exposure to the carcinogenic fiber should be considered a substantial cause of asbestos-related disease.

The carmaker is also challenging the Philadelphia court's long-standing practice of consolidated multiple asbestos cases, even ones involving separate defendants, for trial before a single jury. A finding for Ford on that prong of the appeal could fundamentally transform the way asbestos litigation is handled in the court.

“Consolidation in general has not been viewed as a positive by defendants,” said Ken Argentieri, managing partner of Duane Morris' Pittsburgh office. “If there's more clarity on when consolidation is not allowed or on how to consolidate cases, it may assist all parties going forward.”

The firm's work on *Rost v. Ford Motor Co.* highlights Duane Morris' continued expertise in appellate work and prowess with handling product liability cases.

“We have done asbestos litigation for many years,” Argentieri said. “Philadelphia is a hotbed for asbestos litigation. It's been around for a long time, and it doesn't seem to be going anywhere quickly, so it has been one of our concentrations in the products liability area.”

Duane Morris also does work for a number of pharmaceutical companies in Pennsylvania product liability litigation, much of which is also concentrated in Philadelphia.

The firm has been active in recent years representing a Wockhardt USA Inc. unit in litigation over whether principles of federal preemption barred claims over alleged injuries from generic versions of the gastric reflux drug Reglan from being brought in the Philadelphia County Court of Common Pleas.

With the complex litigation center in the Philadelphia County courts serving as a magnet for mass tort

programs in the pharmaceutical realm, Argentieri said, Duane Morris has ample opportunities for success.

“Philadelphia has been viewed as being very friendly to plaintiffs, and plaintiffs’ lawyers tend to file where they believe they can make either nice settlements or win nice verdicts for their clients,” he said. “So when the court system is favorable to one side, the other side has to have good lawyers to be able to protect them. We feel that, particularly in Philadelphia, it’s one of our strengths. It’s our home base, and we’re very capable of representing their interests there.”

With nearly half the firm’s attorneys focused on litigation, Duane Morris has seen an impressive share of notable courtroom victories for Pennsylvania clients and in Pennsylvania courts.

The firm recently secured a victory representing Heinz — a brand closely identified with Pittsburgh, the company’s home base — in a trial over allegations that the condiment maker had stolen the design for its so-called dip-and-squeeze packaging from a Michigan businessman who claimed he pitched the idea to the company.

A Pittsburgh jury returned a verdict in favor of Heinz at the beginning of April, following a three-day trial in the Western District of Pennsylvania.

“Heinz has been a longtime client for Duane Morris, and we’ve got a very good relationship with them. This was a case with some twists and turns, and obviously we were successful in defeating the claims brought by the plaintiff,” Taylor said. “It was a nice win for an important Pennsylvania company.”

Highlighting their skill in the state’s trial courts, Duane Morris attorneys recently represented SAP America, which is located just outside of Philadelphia, in Newtown Square, as the company fought off an \$18 million password-poaching case.

The suit centered around an attorney’s claims that SAP America and Sykes Enterprises Inc. had conspired with his ex-wife to steal his passwords and identity. A jury sided with the defendants following a three-week trial in the Delaware County Court of Common Pleas that featured 15 witnesses. The verdict was affirmed by the state’s Superior Court in May 2014.

Duane Morris attorneys represented the Hospital & Healthsystem Association of Pennsylvania in a case alleging that the state’s Department of Insurance systematically overbilled the industry to fund a statutory program offering excess coverage for medical malpractice claims.

A panel of Commonwealth Court judges sided with the organization in August 2013, and the state inked a \$139 million settlement in October 2014 after the Pennsylvania Supreme Court agreed to hear an appeal in the dispute.

Taylor said that success in Pennsylvania’s trial courts — particularly in the five-county Philadelphia region — required top-notch attorneys to counter a very talented plaintiffs bar.

“The quality of lawyers in Pennsylvania is so high, and I think that means you’ve got to have your A-game all the time, especially if you’re going to be litigating in the big counties around Philadelphia,” he said. “You’re going to have a lot of talented lawyers on the other side. You know you’ve got to be good to be successful in Pennsylvania.”

The singular talent of the firm's attorneys in Pennsylvania have resulted in Duane Morris' serving as an incubator for judges who have gone on to serve on the state and federal benches.

Judge Marjorie O. Rendell, a Third Circuit judge and former first lady of Pennsylvania, is a Duane Morris alumna. Other former firm attorneys who have ascended to the federal bench include Judges Michael M. Baylson, Gene E.K. Pratter, Gerald J. Pappert and James Knoll Gardner.

"We've produced an incredible number of judges over the years," Soroko said.

The firm has also seen notable work outside the courtroom in Pennsylvania.

Duane Morris attorneys represented Las Vegas Sands Corp. in the licensure, zoning, construction, developing and financing of the Sands Casino Resort in Bethlehem, along with the leasing of an adjacent outlet shopping center.

In other gaming-related work, the firm's restructuring group has represented senior secured lender RBS Citizens Financial Group Inc. in Chapter 11 proceedings over Philadelphia Entertainment & Development Partners LP's failed Foxwoods casino project.

Duane Morris attorneys were also involved in the deal Mayor Michael Nutter struck to sell the publicly owned Philadelphia Gas Works to UIL Holdings Corp. for \$1.86 billion. The firm said that its representation focused on the deal's repercussions for the utility's pension fund and retiree health benefits.

An attorney in the firm's labor and employment team currently serves as chief labor negotiator for the Pennsylvania Turnpike Commission and recently negotiated a long-term collective bargaining agreement between the agency and the Teamsters Local 30.

While the firm's work in the state clearly remains high-caliber, Soroko has said that he hopes to start expanding Duane Morris' ranks in-state again after spending years building a presence around the country and around the globe.

"We are very keen on trying to build up our Pennsylvania practice," he said in an interview earlier this year. "It's not a place we had really concentrated on for lateral partner recruiting during the period when we had a very sizable run-up and we went from being more of a regional firm to more of a national firm."

--Editing by Edrienne Su.

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