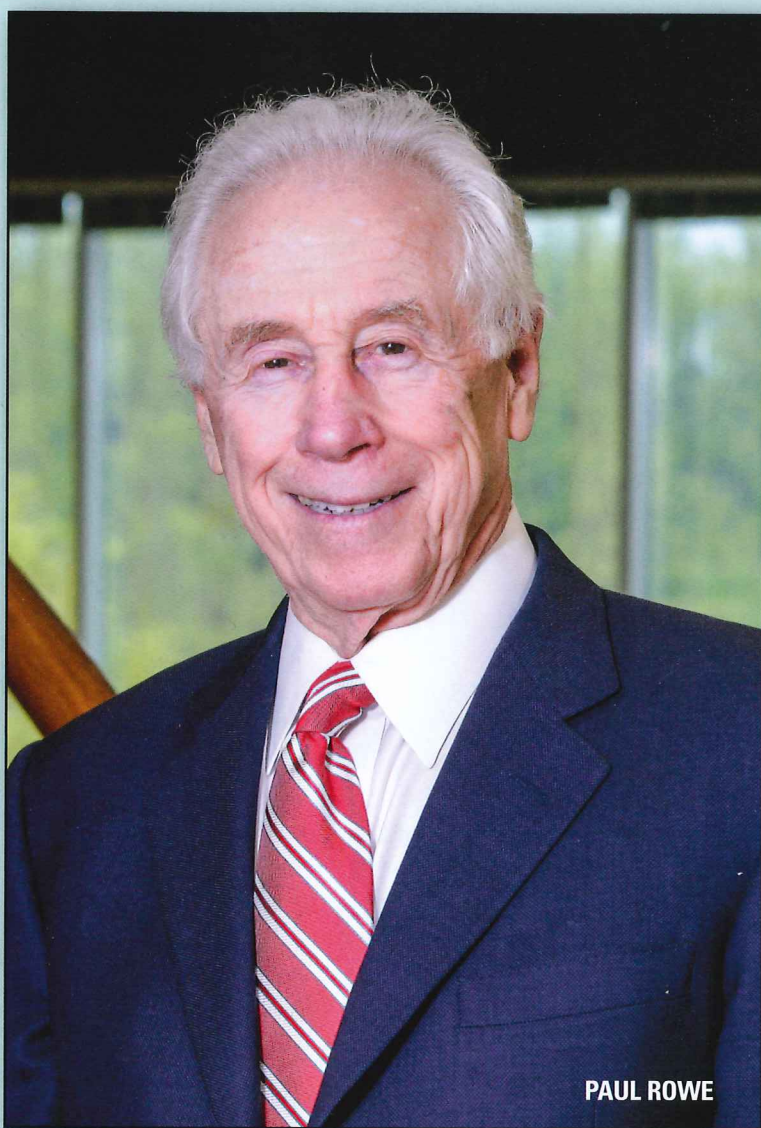


LIFETIME ACHIEVEMENT IN LITIGATION

For Trial Lawyers Like Paul Rowe, The Courtroom Is the Place To Be

By David Gialanella



PAUL ROWE

Trial lawyers often talk about the need for total immersion. If so, Paul Rowe's taking up residence in Atlantic City for nearly a year for a trial was the extreme example.

The case, more than 20 years old now, was a \$2.1 billion antitrust suit by the owners of the Sands Hotel, claiming that casino mogul Donald Trump and the publisher of *Penthouse* magazine killed their plan to open a boardwalk casino.

The case—which went on for four years and culminated in a 10-month trial that ended in victory for Rowe's side—is one of a number of marathon trials Rowe has handled during his 52-year career.

"It was tiring to say the least," said Rowe, of Greenbaum, Rowe, Smith & Davis, in a recent interview. "We were living the case."

"Living the case" is perhaps the watchword for Rowe, who chose decades ago to make trial work his metier and has never looked back.

For his sustained excellence in and dedication to trial practice, Paul Rowe, who turns 78 next month, is the 2014 recipient of the *Law Journal's* Lifetime Achievement in Litigation Award.

The first step toward that legacy was Rowe's realization that he wanted to spend all his time in court. The epiphany came in the mid-1970s, after he had practiced for more than a decade.

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“The practice was getting specialized by then,” Rowe said. “If I wanted to be really good...I’d have to do it all the time.”

Up until then, he had been more of a generalist. A graduate of Tufts University in 1958 and Columbia Law School in 1961, Rowe, after a six-month stint in the U.S. Army Reserves, was admitted to the bar in 1962 and began looking for a home. He didn’t relish practicing at McCarter & English, Lowenstein & Spicer or Hannoch, Weisman, Stern & Besser—firms then considered large even though they had no more than a couple dozen attorneys.

“I didn’t want to be pegged” to a specific department or practice area, Rowe said. “I wanted to do everything in the practice.”

So he picked a small Newark firm, Greenbaum & Greenbaum. It became Greenbaum, Greenbaum & Rowe in 1966, when he was made partner to keep him from accepting another firm’s job offer. He has been there ever since.

In the early 1960s, the firm concentrated in real estate but allowed him to handle a mix of matters: residential closings, complex lease deals, transactional work, contract disputes and estate planning and administration.

Also, before the 1967 founding of the state Public Defender’s Office, Rowe tried about 20 court-assigned criminal cases to verdict, many stemming from the Newark riots that year.

Rowe said he had no mentor and was obliged to teach himself trial practice, often sitting

in on motion hearings and trials during downtime.

The criminal cases became monotonous and tax law—another specialty Rowe considered—was intellectually challenging but too dry. Civil trial work became his passion.

“Anything that came in the office that had to be tried, I tried it,” as long as it wasn’t an especially complex case, Rowe said. “After about eight or nine years, I said, this is all I want to do.”

Rowe focused on contract disputes and other business litigation but devoted a chunk of his practice to matrimonial, estate and other chancery matters. Suits involving wealthy families are “like business litigation” because it involves investments along with sensitive child support and custody issues, he said.

Over the years, Rowe became competitive and agile in his footwork. “To be successful as a trial lawyer...you don’t have to be that smart, but you have to be quick,” Rowe said.

A trial lawyer must listen to his adversary’s questions, pay attention to the judge’s and jurors’ reactions to those questions, decide whether to object and be able to articulate the basis for objection—all in an instant, he pointed out.

The variety of cases he dealt with early in his career also has benefitted him. “I know more about things than young lawyers not because I’m old, but because I did everything,” he said.

Rowe served as lead coun-

sel in many notable trials, though the 1993 boardwalk case, *Boardwalk Properties Inc. v. BPHC Acquisition Inc.*, had the highest stakes.

It boiled down to a zoning dispute concerning a strip of oceanfront land next to the Trump Plaza. Rowe’s client, *Penthouse* publisher Robert Guccione, began developing the site but abandoned the project and ultimately agreed to sell the parcel to the Sands. Trump raised zoning issues in court and the deal never closed, prompting the Sands to lodge contract, antitrust and tortious interference claims against Trump and Guccione.

The Sands sought \$2.1 billion—\$700 million in potential lost casino revenues, trebled—but got next to nothing because Superior Court Judge L. Anthony Gibson found that a key part of the agreement never was finalized.

In 2004, Rowe obtained what remains the largest known divorce award in New Jersey, \$35.8 million, in *Ciasulli v. Ciasulli*. The judgment, against auto dealer Robert Ciasulli in favor of his wife, after a three-month bench trial in Essex County, represented a rare departure from the rule of valuing marital assets at the time of the divorce filing. Superior Court Judge James Convery found her entitled to a share of huge business gains Ciasulli had realized since the proceedings began.

Rowe’s other notable victories invariably came after lengthy and demanding trials:

- In a 2001 Hudson County

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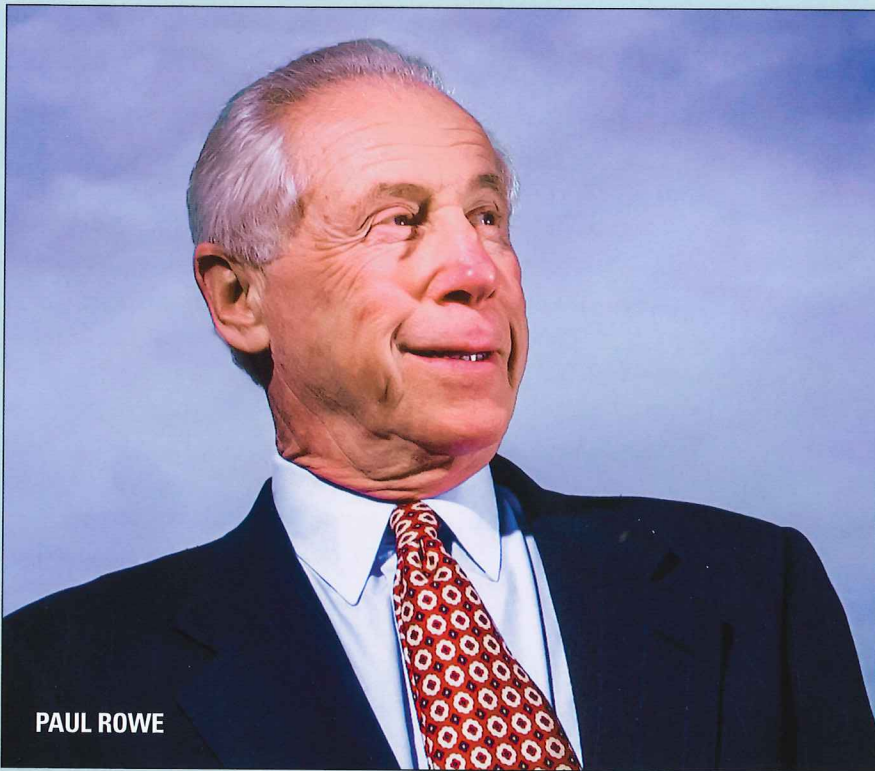


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PAUL ROWE

case, *Johnson v. Constantin*, Rowe represented an executive denied compensation by the accounting firm for which he had been working. After a seven-month trial, the client was awarded \$5.7 million plus a small cut of the firm's profits going forward. The result came after Rowe rejected a \$1.2 million settlement.

- In *Independence Harbor v. Hartz Mountain Industries*, a seven-month jury trial in Bergen County in 2004, Rowe defended developer Hartz in a construction suit culminating in a seven-month jury trial. The plaintiff demanded in excess of \$40 million, Hartz offered \$15 million, and in the end, the jury awarded \$17 million, of which Hartz paid only a portion, Rowe said.

- In *Cushman & Wakefield v.*

Connel Rice Company, a four-week Bergen County trial in the early 1990s, Rowe represented Cushman, a real estate brokerage seeking unpaid commissions. Rowe rejected a \$1 million offer and ended up recovering \$4 million, plus \$1.25 million in punitive damages. Around the same time, he said, he won another \$4 million award for Cushman in another brokerage fee dispute.

- In *Wolosoff v. CSI Liquidating Trust*, a six-week Mercer County trial in 1988, Rowe won a multimillion dollar verdict on behalf of a majority stockholder who claimed he helped engineer the New York Times Co.'s purchase of a cable company.

- In *Nutrastech Inc. v. Zhishin*, a seven-month Essex County trial in the mid-2000s, Rowe success-

fully helped two business partners maintain their exclusive license to sell a weight-loss supplement after the patent holder sought to revoke the license.

The Hartz and Johnson cases were part of a three-year period during which Rowe was continually on trial, he said.

- In other lengthy trials, Rowe also: obtained a multimillion dollar recovery for a lender in a federal case over a construction loan; won a \$3.25 million recovery in the early 1980s in a Hudson County construction dispute; and helped a creditor left out of a bankruptcy settlement to recover stock that eventually yielded a 125 percent return, he said.

- Most recently, Rowe served as co-counsel in the well-publicized six-month trial of an inheritance dispute within the wealthy Perelman family of the newspaper and magazine industry. His client—Samantha Perelman, granddaughter to the late Hudson Media founder Robert Perelman—claimed her grandfather was unduly influenced in changing the terms of his will. The trial ended last March, though the judge has yet to rule.

From August 2013 through March, Rowe averaged 220 billable hours per month working on the Perelman matter, and in one month billed 284 hours, he said, joking that it must be a record for a lawyer in his age group. "It's an honor I could've done without."

David Sheehan, who opposed Rowe in the Boardwalk and Independence Harbor cases, said

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Rowe's "strongest suit is his ability to cross-examine."

"I've watched him take a line of questioning and develop it," said Sheehan, a partner at BakerHostetler in New York and before that a longtime partner at the Newark firm now known as Gibbons.

"He gets a lot of mileage out of it," Sheehan said. "It's not confrontational unless it really needs to be...It's all intellectual combat, as it should be."

Sheehan added: "It's an old saying: people don't hire a firm, they hire the lawyer, and that's particularly true of a trial lawyer."

"I don't think he's lost a step. He may be chronologically 78, but in terms of his activities in the courtroom, he's still in his prime."

Francis Donahue, Rowe's adversary in *Ciasulli*, called Rowe one of New Jersey's two best family trial lawyers, the other being the late Barry Croland of Hackensack's Shapiro & Croland.

"We've had some really contentious cases together," said Donahue, of Donahue, Hagan, Klein & Weisberg in Morristown. "Judges like him. He's got a good sense of humor. He's not

overly aggressive."

Donahue recalled first meeting Rowe in a courthouse cafeteria when he was fresh and Rowe already was established. Donahue introduced himself and promised victory in the upcoming child custody case they had against one another, and indeed did win, he said.

"He was as gracious in defeat as any other lawyer I've ever had a case with," Donahue said. "But he gave me some serious beatings, *Ciasulli* being one of them."

"We disagree on the law quite a bit and we've fought over the facts of cases," Donahue added. "He's a pleasure to try cases with, but he's very good. It's a test."

Along with all the courtroom time, Rowe also was running a law firm.

While top litigators have a reputation of avoiding management roles, Rowe was the firm's co-managing partner through the '70s, '80s and '90s, and the sole managing partner until about five years ago.

During those decades, the firm grew from about a dozen lawyers to 105, and presently staffs about 95.

Rowe said management wasn't a nuisance because it ensured things would get done the way he wanted them done, though recruiting was a challenge. "It's not always easy to predict who will and will not be an originator."

In the past decade, Rowe also has served as an arbitrator and mediator.

As far as being they type of mentor he himself didn't have, former second chairs have told him they view him as one—though he never set out to play that part.

"I don't train people," Rowe said. "It's not in my nature to mentor."

"They work with me on cases, and I think they learn things."

The *Law Journal's* Lifetime Achievement in Litigation Award is bestowed annually on a trial lawyer whose long career is characterized by strong achievement and embodies high professional and ethical standards.

The honor will be conferred, along with other litigation awards, at a banquet to be held June 19 at the Brooklake Country Club in Florham Park ■

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