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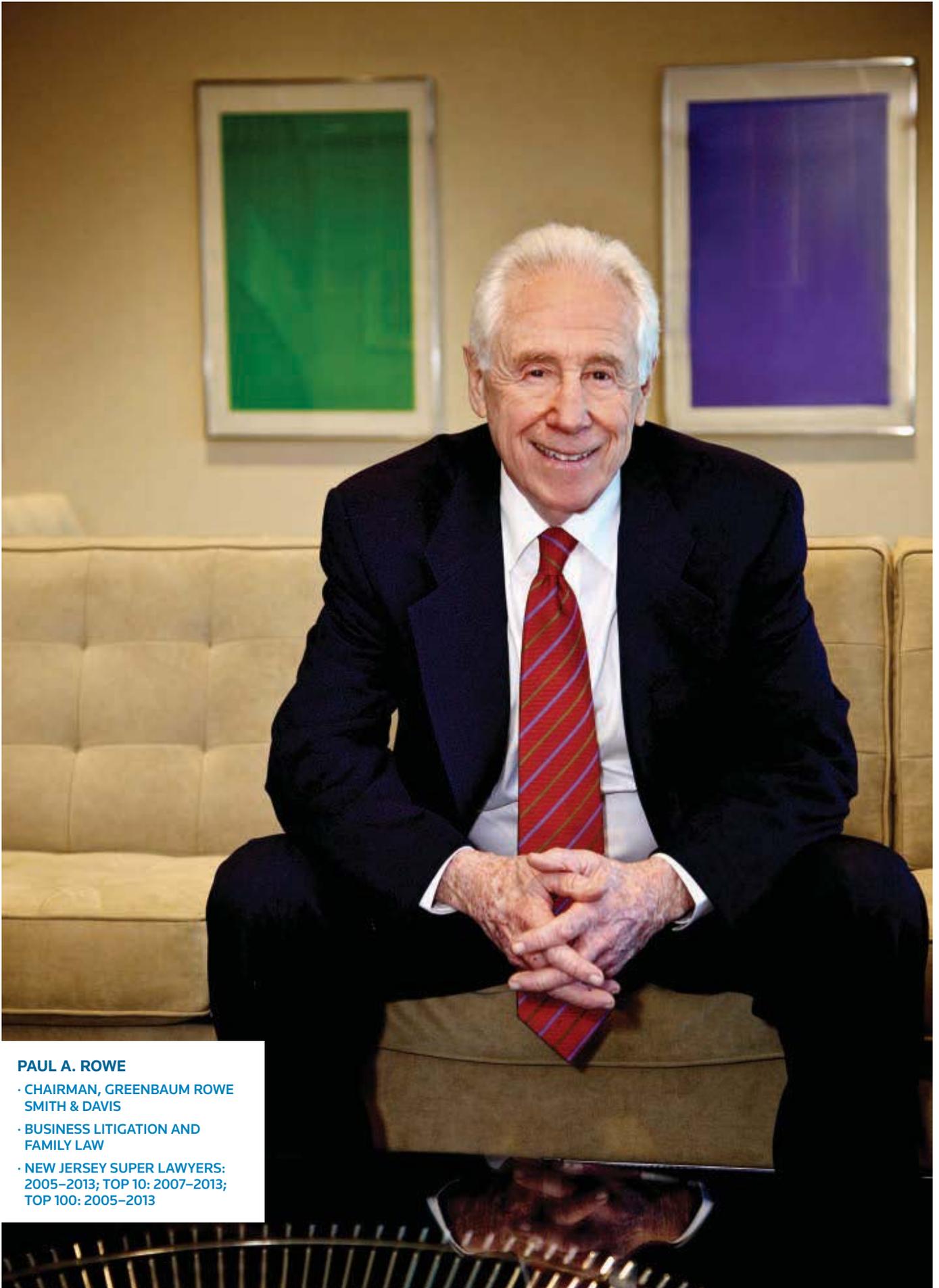


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PAUL A. ROWE

- CHAIRMAN, GREENBAUM ROWE SMITH & DAVIS
- BUSINESS LITIGATION AND FAMILY LAW
- NEW JERSEY SUPER LAWYERS: 2005–2013; TOP 10: 2007–2013; TOP 100: 2005–2013

The Most Dangerous Man in the Courtroom

Just try and pull a fast one on Paul Rowe—
chances are he's already seen it

BY G. PATRICK PAWLING
PHOTOGRAPHY BY LUIGI CIUFFETELLI

PAUL A. ROWE, CHAIRMAN OF Greenbaum, Rowe, Smith & Davis in Woodbridge, has been practicing law since 1962, the year John F. Kennedy wrestled the Cuban missile crisis to a frightening but successful end. As Rowe entered practice, John Glenn orbited the Earth, Johnny Carson took over *The Tonight Show* and people bought gasoline for 26 cents a gallon.

Lithe, thin and so full of energy he seems to have to wrap his arms around himself to keep from jiggling even while sitting, Rowe says he hasn't rested a bit. Fellow attorneys agree.

"I've known Paul for the better part of four decades, and I haven't seen any indication that he is interested in slowing down or has in any way grown tired of what he is doing—he is still stimulated by his work," says David Samson, a Wolff & Samson founding member and New Jersey attorney general from 2002 to 2003. "We have had cases against each other and cases where we worked together. There is nobody I have met since I have been in the practice of law who is any better at what he does. He hasn't lost a step."

For the record, practicing for 50 years isn't unheard of. But it's arguable that few attorneys have worked at such a high and diverse level for so long. Rowe seems to be having as much or more fun than ever. That makes him a dangerous man in the courtroom.

"I find myself as the oldest person in the courtroom often," Rowe says. "But when I go into a courtroom I have a reputation, and that is helpful. Plus there is not much that happens that I haven't already seen, and trial cases are very much a matter of experience. This is a great business because you can still do it at my age, especially if you love it. I always have and still do."

ROWE ARRIVED IN NEW YORK HARBOR

in 1939 at age 3 aboard the German passenger ship *Bremen*. But the chain of events that led to him leaving his native Hungary began almost 70 years before.

Rowe's grandfather arrived in the United States in the 1870s and stayed for 10 years before returning to Hungary. "He passed away in the early '20s, and in late 1938, one of my uncles discovered a

document written in English in his father's trunk," Rowe says. "Suspecting what it was, he showed it to my mother who read English, and she recognized it immediately as citizenship papers. Unbeknownst to anyone, my grandfather had become a United States citizen."

The next day, Rowe's mother went to the U.S. Embassy, and officials confirmed her suspicions: that the papers confirmed Rowe's father was a United States citizen, too. The Rowes were lucky. "Jews in Hungary knew what was coming," Rowe says. "There was no country that would take them, and it was impossible to obtain a visa—especially to the United States."

With this knowledge—and seeing the steady advance of the Nazi Party and feeling the rising tide of anti-Semitism—Rowe's father left Hungary for America to find a job and a safer place for his family to live. Months later, Rowe, his brother and their mother boarded the *Bremen*. But when they were still days out of New York, Nazi high command ordered all German shipping to return to their home ports in preparation for the invasion of Poland.

CONTINUED ON PAGE 23

Everybody aboard the *Bremen* expected it to turn around with the other ships. So did Rowe's father, who spent an agonized night in Times Square, watching the latest news headlines flash from the Times Tower. But in the end, the ship landed, and the family was awarded the right to create a new life.

Hard work shaped Rowe's journey to the corner office. He was street-smart. He worked in factories, drove trucks, took construction jobs and sweated by the ovens in a huge wire mill. His father died when he was 11, so he learned early about shouldering responsibility cheerfully, accepting the work and the journey and all that came with it. And as he rose in the legal profession, business just seemed to flow to him. He didn't want to "sell," but it didn't seem to matter.

"It's inexplicable," he says. "You never know what makes a lawyer attract business. I remember when I was a young lawyer, we were all going to dinner parties and cocktail parties, and I would see some of my lawyer friends really hustling for business. I didn't do that. It's not that I resented it, but I just didn't do it. But I still got calls from people asking me to represent them. What caused that to happen I really cannot tell you. Maybe it's something about the way you carry yourself. I don't know what creates that magic."

When it came time to decide on a law firm, Rowe gravitated away from New York and toward smaller firms where he could try a little bit of everything. Greenbaum was a five-attorney firm based in Newark.

Early on, he handled a lot of criminal work and won many cases. For a time he even considered specializing in the area, "but criminal was a lot of the same—the same motions and objections over and over."

A respected litigator, Rowe has taken on some of the most complex cases in memory in New Jersey. Focusing mostly on corporate, business and matrimonial matters, he has argued and won construction cases, stock fraud, antitrust, partnership and corporate dissolutions and chancery litigation. He is also one of those people who literally wrote the book—in this case, *New Jersey Business Litigation*, the primary source for describing how the state's courts deal with business issues.

"Trying a case has to be among the most demanding things you can do, except maybe neurosurgery," says Rowe. "You walk into a place that is full of enemies, and you have to convince them all that you are their

friend. It's incredibly demanding and it's a lot of fun and it takes a lot of preparation."

By nature of their complexity, many of his cases turn into long, arduous trials. That's OK with him.

In a case that ended up as a six-month jury trial, Rowe represented the main defendant against a plaintiff's suit of \$200 million alleging construction defects and consumer fraud in an Edgewater condominium development. The jury returned a less than \$8 million verdict against his client, Hartz Mountain Industries Inc., and about 25 other defendants, including subcontractors. "From depositions and discovery right through to the trial, he is extremely meticulous," says Irwin Horowitz, general counsel at Hartz Mountain. "He reviews everything himself, constantly checking and rechecking, and during trial, he was smooth and a good questioner. He really thinks fast on his feet."

Rowe was also co-lead trial counsel for the general creditors in the liquidation of Mutual Benefit Life Insurance Co., the largest such liquidation in United States history. In essence, Mutual Benefit had tanked up on too much real estate; when the market turned, the company didn't have enough liquid assets. Under a solution found by the judge, Rowe's clients—the general creditors—eventually received 125 percent of their claims. There was a seven-year liquidation plan and the comeback of much of the real estate the company owned, but in the end, the creditors were made more than whole.

He also played a lead role in a memorable Atlantic City breach of contract, antitrust and malicious interference case that culminated in a 10-month trial from 1991 to 1992. A Penthouse International Ltd. subsidiary acquired various properties on the boardwalk. Bob Guccione, the publisher of *Penthouse* magazine, attempted to sell the property he owned there, which spurred litigation. He then tried to get out of Atlantic City before litigation ended. When it was over, Rowe, representing *Penthouse*, had demolished the opposing witnesses so thoroughly that the plaintiffs' \$2 billion antitrust claim—and all except one of their other claims—were dismissed.

"They had almost no witnesses who stood up under cross-examination," Rowe recalls. "I found Guccione to be a gentleman. I dealt mostly with the president of *Penthouse*, but also with Bob. He did have the gold chains, but he was a very creative guy."

His biggest claim to fame is probably *Ciasulli v. Ciasulli*—the then-largest known divorce award in New Jersey history. Though the case was filed in 1994, Rowe was retained later and handled the nearly four-month trial in 2004. It was one for the books, not just because it involved a marital estate of about \$75 million—of which \$37.5 million, plus alimony and attorney and experts' fees, was awarded to his client—but because it involved a rare move by a judge to value the husband's car dealership business eight years after the filing. The judge found the wife was entitled to benefit from the growth of her husband's business on the theory that the growth was due to the economic boom, not the husband's efforts or abilities.

It could be argued that Rowe was better prepared than anyone to take this case since he was involved—on the losing side—in *Goldman v. Goldman*, the case that provided the theory Rowe relied on in *Ciasulli*.

In *Goldman*, the court recognized there can be circumstances in which it's appropriate to use a later date to value a spouse's business. Specifically, the judge found that the husband made a good-faith effort to save the business only to lose everything. Unfortunately for Rowe and his client, that meant the wife in *Goldman* received no equitable distribution from the business—it went bankrupt. Rowe smiles when he says it now, but recalls that he said to the *Ciasulli* judge, "I do *not* want to lose both sides of the same issue."

Rowe has always enjoyed matrimonial cases. "I even liked it when it wasn't seen as so dignified," he says, alluding to the days before no-fault divorce, when private detectives were popular and sensational claims and revelations were part of courtroom dramas. Rowe did use a detective sometimes, but he says it wasn't like the movies. "Probably at least a third of the time the people who were being followed figured out they were being followed," he says.

Rowe's five-decades-and-counting career has given him ample time for experimenting. "But I kept coming back to trial work," he says. "I don't remember every case I won, but I remember every case I lost. Winning is great. As great as winning is, it's not as great as losing is bad." 