

New Jersey Powerhouse: Sills Cummis

By Jeannie O'Sullivan

Law360 (August 29, 2018, 9:20 PM EDT) -- Among the projects that kept Sills Cummis & Gross PC's team busy in the past year were scoring courtroom and business victories for major players in the Garden State's health care field and overseeing an international divestment that drew upon the small New Jersey firm's big reach into foreign markets.

A major win for municipalities in a water rate dispute was yet another triumph that sealed the 47-year-old shop's place on this year's list of New Jersey Powerhouses. Sills Cummis managing partner R. Max Crane attributes much of the 130-attorney firm's litigation and transactional success to its long-standing tradition of recruiting talent boasting business savvy and public service experience.

Clive S. Cummis, the Newark philanthropist and businessman who founded the firm in 1971, joined forces with onetime New Jersey Attorney General Arthur J. Sills, knowing that having a former prosecutor on the team was "the way to go," Crane said. Since then, the firm's Newark and Princeton offices have been home to lawyers who also serve as advisers and cabinet members to governors, such as firm member Jerry Zaro, who served as the state's "economic czar" under two governors. Another notable firm member is Peter G. Veniero, a former New Jersey Supreme Court justice.

Civic duty, Crane said, is "in our DNA."

"We're the only firm that operates at a high level at what I call the intersection of law, business, public policy and government relations," Crane told Law360.

A Key ERISA Case

The fact that a regional shop has drawn talent from renowned New York City firms is another reason Sills Cummis is able to help clients like Saint Peter's Hospital battle in the highest courts in New Jersey and the nation.

Following the U.S. Supreme Court's unanimous ruling last year that hospitals controlled by or affiliated with churches are exempt from Employee Retirement Income Security Act requirements, the firm



continues to help Saint Peter's fend off related litigation while the case is on remand in district court. The ruling turned the legal tide for faith-based hospitals facing such claims, according to Sills Cummis partner Joseph L. Buckley, a member of the firm's management committee and chair of the litigation department.

"The circuit [courts] had uniformly gone the other way. The trend of the law was very much against church-operated hospitals and ERISA, but the [high] court thought otherwise," Buckley said.

Saint Peter's also notched an interlocutory victory in the New Jersey Supreme Court in its fight against Horizon Blue Cross Blue Shield New Jersey's Omnia health network, which placed the hospital in a less desirable tier, a move Buckley said was "devastating" for the hospital's business. Following successful discovery motions, the New Jersey Supreme Court granted access to documentation that makes Saint Peter's "very well poised for trial," Buckley said.

Maximizing Complex Business Relationships

In transactional accomplishments, Sills Cummis represented New Jersey-based toy giant Alex Brands in the sale of its Buzz Bee Toy division to that division's management team in Hong Kong. The firm's relationships with law firms worldwide made for seamless navigation of regulatory hurdles in both China and the United States, according to firm member Steven R. Kamen, co-chair of the firm's corporate practice group.

"That's because we keep and cultivate these relationships," Kamen said.

In another complex deal, Sills Cummis is representing Med-Metrix Professional Services LLC in a patient billing venture with Hackensack Meridian Health System and Kennedy Health System. The newly formed MediCentrix marks a "unique" effort, according to Kamen.

"Collaboration deals like this have challenges, particularly when you're dealing with very large, sophisticated organizations and the subject matter is important tools for revenue cycle management," Kamen said.

Taking on Utilities for Ratepayers

The municipalities of Wyckoff, Glen Rock and Midland Park likewise have Sills Cummis on their side at trial and beyond. As co-counsel in a class action against Ridgewood Water Utility seeking to invalidate a 37 percent rate increase, the firm helped convince a trial court to find that the hikes resulted from a complex scheme hidden from public view. Following that "very important win," Buckley said, the eight-year litigation continues as the towns fight for damages.

The tenacity of Sills Cummis' talent can be traced to what Crane described as "entrepreneurial culture with limited rules and regulations," a regime he said isn't always possible at global-sized firms. It's an atmosphere that allows both cases and careers to flourish, he added, because it's not "one-size-fits-all."

"It's made us a very attractive platform for lateral attorneys who may feel constrained in their current firm or have run out of room to grow," Crane said.

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