

## Delaware's Appeal For Firms Outshines Virus Uncertainty

By **Rose Krebs**

Law360 (March 16, 2021, 4:38 PM EDT) -- Delaware remains an attractive destination for firms wanting to ramp up their corporate litigation profile, with several firms opening First State offices in the past two years even as the coronavirus pandemic rattled the legal industry.

News this month that Reid Collins & Tsai LLP was opening a Delaware office with former Offit Kurman PA attorney Jonathan M. Kass followed a string of similar moves among firms drawn by the state's courts, which remain among the nation's busiest and highest-profile venues for bankruptcy, patent and corporate disputes.

According to the Delaware district court's 2019 annual report, Delaware has ranked among the top five district courts for patent filings in the nation for the past decade. Its bankruptcy court is traditionally considered to be one of the nation's premiere insolvency venues. And Delaware's Chancery Court is one of the world's most esteemed corporate law venues, with more than 1,100 cases filed last year.

Also, with its small, collegial bar and judges known for their expertise in dealing with complex and high-stakes corporate litigation, Delaware will continue to draw top legal talent and firms looking to expand, attorneys said.

"Delaware continues to be the forum of choice for business and investor rights litigation," Gregory V. Varallo, a partner at Bernstein Litowitz Berger & Grossmann LLP, told Law360 Pulse. "Delaware is as attractive, if not more so [attractive] than ever."

Varallo was tapped by Bernstein Litowitz to launch its Wilmington office in August 2019, after nearly four decades at Delaware-based Richards Layton & Finger PA. At the time of his move, Varallo said he was "excited to enter the next chapter of my career and focus squarely on investor rights."

Bernstein Litowitz said at the opening of its Delaware office that the move was "an important point in the evolution of our firm's governance practice" and aimed at expanding its corporate governance litigation practice group. In addition to its Wilmington location, the firm also has offices in New York, Los Angeles, New Orleans and Chicago.

"A majority of the issues we prosecute for our clients is in Delaware, and in particular, before the Court of Chancery. Opening a Wilmington office is the logical next step, and now is the right time to deepen our commitment," partner Mark Lebovitch, founder of the firm's corporate governance litigation practice group, said at the time.

Varallo said the office, staffed with two partners and two associates, has been busy during the pandemic as Delaware's Chancery Court has been able to keep up with its caseload through virtual proceedings. And the office is eyeing continued growth in Delaware, he said.

Delaware remained an attractive destination for firms last year despite uncertainty surrounding the pandemic.

In May, Block & Leviton LLP announced it was opening a Wilmington location helmed by Nathan A. Cook, an experienced corporate litigator who was formerly a director at Grant & Eisenhofer PA. The

national firm has offices in Massachusetts, Washington, D.C., and California.

"It is a great place to litigate," Cook told Law360 Pulse. "The firm has a real commitment to litigating fiduciary duty claims in Delaware Chancery Court."

Those cases are the firm's "bread and butter," he said.

The firm is still looking for office space in Wilmington and an associate was brought on last fall to work in Delaware, according to Cook.

Block & Leviton wasn't the only firm that put boots on the ground in Delaware in May.

Francis G.X. Pileggi, managing partner of Lewis Brisbois Bisgaard & Smith LLP's First State office, found himself in a familiar spot when he was tapped to launch that outpost. It was his third time opening a Delaware office for a national law firm, he told Law360 Pulse.

"The last time I did this, I thought it would be the last," Pileggi said. "I decided I had some gas left in the tank and did it before successfully so I thought I could do it again."

With more than 50 offices nationwide, Lewis Brisbois wanted to add a Delaware office to complement the firm's "rapidly expanding national corporate litigation and deals practice," Michael G. Platner, chair of the firm's corporate practice, said when the location was launched.

"You need the right people to start an office in Delaware," Pileggi said. The firm's office now has five attorneys and is looking to add more to the ranks, he said.

As for why the firm wanted an office in the First State, Pileggi said the answer is simple: It's a matter of going where the cases are and the courts are well equipped to handle them.

Kass, who heads Reid Collins & Tsai's recently launched Delaware office, echoed Pileggi's thoughts.

"You don't have a smarter and more informed bench anywhere else," Kass said. "They know the cases. They know the issues."

And that means attorneys need to be at the top of their game, he added.

No stranger to handling corporate litigation, Reid Collins wanted to expand on its work representing trustees in litigation and on appraisal and corporate governance cases filed on behalf of investors, Kass said. The roughly 35-attorney firm has other offices in New York, Texas and Washington, D.C., according to the firm's website.

Cheryl A. Santaniello, who was tasked with opening Porzio Bromberg & Newman PC's first Delaware office in August, said the combination of Delaware's tight-knit bar and high level of legal expertise makes it an attractive place to practice law.

When it announced the office launch, the 90-attorney Porzio said it wanted to "offer clients expanded services in Delaware and seamless access to its bankruptcy courts." The firm also has offices in New Jersey, New York, Massachusetts and Puerto Rico, according to its website.

"We have such a sophisticated venue here," Santaniello said. "I love being part of a bar where you know one another. Everybody is cordial because you know you are going to see one another again."

--Editing by Marygrace Murphy.