

# JOHN GIBBONS

## Navigating the Courtroom with His Moral Compass

by Olivia Clarke

John F. Gibbons says he was attracted to trial law because he enjoys the competition of litigation—pitting one opponent against another.

But at the same time, he says, “It’s important to zealously represent your client within the bounds of the ethical and professional rules, and to maintain a professional demeanor with opposing counsel and the court. You must work hard, prepare, be ready, strategize with your client and try to maximize those things that are beneficial to your case.”

Gibbons is co-chair of the commercial litigation practice at **Greenberg Traurig LLP**. He has more than 25 years of experience handling a broad range of civil and criminal matters including fraud, breach of contract, class action, RICO, civil rights, commercial and criminal securities cases, grand jury investigations, white collar defense, FCPA issues, corporate internal investigations and appeals. Gibbons has represented national corporations, financial institutions, brokerage houses, pension funds, real estate entities, and individuals.

He has advised many corporate clients on issues confronting them on an everyday basis and has been responsible for matters pending before federal and state courts, the SEC, NASD, Justice Department, EPA, and various attorneys general and state regulatory bodies.

Ask a few people to talk about Gibbons and one phrase comes up again and again: “moral compass.”

“I don’t think John ever loses that. He has a very strong sense of right and wrong and he doesn’t stray from it. Because of that, he has great integrity and credibility with clients,” says Jane B. McCullough, a longtime colleague of Gibbons.

Gibbons says retaining that moral compass has been essential.

“The themes that run through my life are pretty easily defined: a sense of right and wrong, and a morality-based decision-making process that in my case is Catholic-driven, but it doesn’t have to be theologically driven. You should have a moral compass driven by your own ideology and philosophy and apply those to your profession, home life, friends and colleagues. Then it’s hard to get too far off the right path,” Gibbons says.

### He’s a Competitive Person

This strong sense of right and wrong can be traced back to Gibbons’ parents who instilled in him the importance of honesty and loyalty. Gibbons, 50, does not come from a

family of lawyers. His father worked for Pan American Airlines as part of its labor relations group. His mother was a homemaker.

But while growing up in East Meadow on Long Island, New York, Gibbons decided early on that he wanted to be a lawyer.

“I was drawn to TV shows, whether they be ‘Perry Mason’ or ‘Ironside,’ where trial lawyers were the draw,” Gibbons says.

He says he was attracted to the intellectual activity, problem solving and competition depicted on those shows.

“I’m a competitive person in just about everything, from sports to playing cards to trying to win an argument,” he says. “Those competitive genes get fueled by a litigation practice, as opposed to other areas of legal practice, at least in my case.”

Competition was a running theme during Gibbons’ childhood. His memories of growing up with three siblings are filled with competitive activities.

“I come from an extremely close Irish Catholic family who did a lot of things together, along with our cousins and aunts and uncles. We were all swimmers, so water dominated our lives, whether it was the pool or the ocean. And we had a lot of fun. We were always competitive with each other, but also supportive, especially during competitions outside of the family,” he says.

Another part of Gibbons’ childhood was his love for the University of Notre Dame. He remembers listening to Notre Dame football games on the radio with his dad and going to games when the Fighting Irish played on the East Coast. Gibbons seemed destined to attend Notre Dame from an early age, and he fulfilled his dream by obtaining his undergraduate and law degrees there.

After receiving his law degree in 1985, Gibbons accepted a position as an associate at the Chicago office of Winston & Strawn, where he practiced commercial litigation for three years before accepting an assistant U.S. attorney position in Los Angeles.

“It was phenomenal,” he says about his time in Los Angeles. “It was an office that was staffed with truly gifted prosecutors who taught me how to be a trial lawyer, as opposed to being a litigator or big firm lawyer.”

After six years in Los Angeles, Gibbons returned to Chicago, accepting the position of supervisor of the financial crime and government fraud unit of the Cook County state’s attorney’s office. Jack O’Malley, who was then the Cook County state’s attorney and is now a state appellate court judge, offered Gibbons the position. Gibbons and

O’Malley knew each other since their early days together at Winston & Strawn.

“I wanted to come back to Chicago,” Gibbons says. “It was just a lifestyle decision. I had gotten married, my wife was pregnant, and she somewhat hesitantly agreed to move from her home state so we could build a home together in Chicago.”

### Making a Life in Chicago

Andrea L. Zopp was second in command at the state’s attorney’s office when Gibbons arrived. She was initially hesitant about him being hired.

“One of the hesitations I had about hiring him was that he had no real experience with state court cases,” says Zopp, who is now executive vice president and general counsel at Exelon Corp. But Gibbons spent his first six months in the office handling all types of cases, including misdemeanors.

“He did it and was happy to do it. He spent a lot of time developing some really good relationships,” Zopp says.

After 2½ years at the state’s attorney’s office, Gibbons joined Altheimer & Gray. He was there from 1996 until the firm’s bankruptcy in July 2003.

“During those seven years I learned a lot about the business side of the practice of law, which as a government prosecutor you don’t have to worry about,” he says. “That was a beneficial experience, understanding the economics of the practice of law. In the end, I got a lesson in understanding that business can drive a lot of decisions, and potentially better business practices might have led to a better outcome for the firm.”

In 2003 Gibbons joined Greenberg Traurig, an international, multidisciplinary firm with 1,775 lawyers and governmental affairs professionals in more than 30 offices across the United States and in Europe and Asia.

“I would describe Greenberg Traurig as a law firm run by adults for adults. Firm management does not want juveniles here, and they don’t want to be looking over anybody’s shoulder. They give you all the support you need to succeed. They treat you like a professional and expect you to comport yourself as such. It is also expected that you will fulfill your duties to your clients, as well as your fiduciary duties to the firm. I truly appreciate that respect, support and autonomy,” he says.

Gibbons says he maintains a very busy practice, but tries to create a healthy work-life balance.

“There are a number of client questions and needs that arise virtually every day,” he

says. “You’ve got to try to find the time to handle the day-to-day problems while also trying to carve out time to think strategically on how those day-to-day decisions are going to affect the overall strategy of the case or matter.”

For Gibbons, finding that balance “starts with a very supportive wife. And from there you try to share responsibilities on the home front and try to manage it all. It’s hectic and it takes a lot of teamwork.”

### Inside the Practice

Gibbons has been involved in cases that have posed sometimes-unusual challenges. Take the case of Jorge Roca Suarez, for example.

Dating back to his days as an assistant U. S. attorney in Los Angeles, Gibbons worked on the case of a Bolivian drug kingpin, Jorge Roca Suarez. Roca’s involvement in illicit drug trade included supplying Colombian drug cartels—such as the Medellin cartel led by the late Pablo Escobar—with the raw product to make powder cocaine. The cocaine was then exported to the United States.

To prepare for trial, a lawyer would normally meet with witnesses in an office to go over the likely questions the witnesses would hear from both the prosecution and defense and have them recall the facts they’d be asked to testify about. But that wasn’t possible, given that about half of Gibbons’ witnesses were in the witness protection program.

“When your witnesses are under protection, you don’t know where they are because their locations are kept secret. So you are driven to the airport with your destination unknown, escorted to a gate and put on a plane. Only then do you figure out that you’re going to, let’s say, Portland, Oregon, where you’re picked up at the airport and brought to an undisclosed location to meet with your witness,” Gibbons says.

He says that process added a new level of complexity to getting ready for trial.

Gibbons also has represented clients in police brutality and corruption cases. The city of Chicago retained him to prosecute a police brutality case in which four police officers were alleged to have wrongfully shot and killed LaTanya Haggerty, who was unarmed. In that case, he secured the conviction and discharge of all four officers.

The city also retained him to prosecute a fraud case involving a police lieutenant’s alleged manipulation of the Chicago Police



Department's computerized gun records.

The challenge in those types of cases is twofold, Gibbons says.

First, you must attempt to develop trust with "the honest and hard-working police officers who, in my opinion, dominate the Chicago Police Department and get them to be candid with you about what they know about the small minority of bad police officers."

He describes the police department as a "quasi-military operation" in which the officers "have a code among themselves to protect each other on the streets against what has become an increasingly violent society, and I get that. But once in a while there's a bad actor or actress in the play, and trying to get an inside perspective on that is a challenge in prosecuting those types of cases."

The second challenge in handling police brutality or corruption cases is the community, which is often distrustful of the court and justice system.

"Oftentimes they have their own agenda, which doesn't necessarily comport with your mission of ferreting out the truth. Your job is complicated because the sides are often distrustful of one another and you're in the middle of that," Gibbons says.

Other examples of cases he's handled include the representation of a national commercial real estate company in an ACLU First Amendment test case against owners of a large shopping mall; the representation of a Fortune 100 company accused of fraud and various other federal offenses in the securing of various contracts; and the representation of numerous individuals being investigated by the SEC, U.S. attorney's office or local prosecuting

offices for various fraud-related activities.

When asked about his general approach to handling cases, he says he first tries to understand the facts, the evidence and the client's side of the story, which may be outside the perimeters of the facts and evidence.

"There oftentimes are business considerations which drive strategic decisions, so sometimes it's not singularly about short-term litigation success," he says. "Once you prepare and understand the facts and the client's needs, then you can discuss an overall strategy with the client which accounts for a myriad number of the client's needs."

#### **Dedication to Work and Family**

Looking back over his years as a lawyer, Gibbons says one of the biggest changes in the legal profession has been the introduction of electronic discovery. Electronic discovery often becomes a battleground in cases and adds layers of cost for both sides. It can delay the ultimate resolution of a case, he says.

Another wrinkle in electronic discovery's effect on cases is the sheer volume of electronic communications and the storage of electronic records.

"It used to be in the old days that every corporation had a three- or five- or seven-year destruction policy. After three, five or seven years, all the hard copy documents would be thrown away. Now with the click of a button, companies store all of this electronic data. In a lawsuit, you'll see the opposing side ask repeatedly and very specifically for a vast amount of records or documents which they believe has probably been stored in the company's computers

and files. And oftentimes they are right," he says.

Gibbons has a demanding schedule, but works at not letting it get in the way of spending time with his family. He says he makes an effort to carve out time for his family and to be truly present.

"When I'm at home, I'm really at home," he says.

McCullough, who is of counsel at Greenberg Traurig and worked with Gibbons at Winston & Strawn and Altheimer & Gray, says Gibbons' devotion to his family stands out among their colleagues.

She says lawyers know better than to try to contact Gibbons on weekends with routine questions "because you know he'll be at his kids' hockey game or baseball game. He even coaches baseball. How many big-league lawyers do that?" McCullough asks.

She says that Gibbons' familial devotion is one part of his overall integrity and that his moral compass is a powerful example for his colleagues.

His integrity is one of his strengths as a lawyer, she says, and his ability to absorb and synthesize large amounts of complex information is also among his strong suits.

"He also has extremely good common sense, which doesn't always go with esoteric book sense," McCullough says.

Zopp observes that Gibbons is relentless. "He's just really hard working. He has a strong, deep core of personal values."

Gibbons has seen both sides of the courtroom as a prosecutor and as defense counsel.

"At times those are different sides of the same coin," he says. "The prosecutor's job is to root out the truth, to present the honest, objective evidence and not be

overly concerned with the outcome.

"On the other side of that coin are the defense lawyers who are zealously trying to represent their clients and, first and foremost, test the government's understanding and presentation of the facts, which is oftentimes more of a defensive strategy than an offensive one. You also have to deal with the human side of the case. As a defense lawyer, you get to know your clients better, while as a prosecutor you really don't get to know [a defendant's] particular situation. It is a little less emotional."

He says he believes one of his strengths is that he can quickly get to the core facts of a case, whether that involves rolling up his sleeves, getting to the key documents and understanding what they are, or listening to clients and what they're telling him in relation to the allegations or the facts asserted by others.

After more than two decades as a lawyer, Gibbons says his experiences have lived up to the expectations of being a lawyer that he envisioned as a little boy watching episodes of "Perry Mason." But he has also realized that there is one additional aspect of the job that he did not anticipate.

"I probably enjoy being a counselor more than I would have expected in the sense that a trial lawyer has certain skills that are honed in the courtroom, and I think I've achieved some modest success there," Gibbons says.

"But the role of a counselor to your client is equally important, one that I didn't truly have an appreciation for while watching television shows, or in law school, or even as a prosecutor. I am getting better in that area every day and truly enjoy that aspect of the profession." ■