

## Pennsylvania Powerhouse: Buchanan Ingersoll

By **Dan Packel**

*Law360, New York (June 17, 2014, 4:02 PM ET)* -- The Pennsylvania Railroad first linked Pittsburgh to Philadelphia, via the state capital of Harrisburg, in 1852. Two years earlier, the law firm that eventually became Buchanan Ingersoll & Rooney PC opened its doors in Pittsburgh, and went on to cultivate a statewide presence that made it one of only three firms on Law360's Pennsylvania Powerhouses list with outposts in Pittsburgh, Harrisburg and Philadelphia.

Pennsy — the nickname for what at one point was the largest publicly traded company in the world — is long since defunct, and now Amtrak service only connects Pittsburgh to Philadelphia once a day. But Buchanan Ingersoll, which set up shop just as the City of Bridges was emerging from the ashes of the Great Fire of 1845, still thrives as a state stronghold, catering to vastly changed but still vital sectors of the economy with 19th-century roots like energy and transportation, as well as drivers of new growth like health care.

"Having strong offices in Pittsburgh, Philadelphia and Harrisburg is what makes our firm special. We don't view ourselves as a Pittsburgh law firm with a Philadelphia office or a Pittsburgh law firm with a Harrisburg office," CEO Jack Barbour told Law360. "I feel that we're at the forefront in all the cities that we practice in."

In 1850, Moses Hampton and his son began a joint law practice in Pittsburgh, a move the firm says may be the first instance of lawyers practicing in partnership in the region. The roots of the firm's current moniker date to 1916, when it added appellate lawyer John G. Buchanan and corporate finance attorney Frank Ingersoll.

Along the way, Buchanan Ingersoll opened up shop in Harrisburg and Philadelphia, and it doubled the size of the latter office. It also raised numbers in Pittsburgh, through a 2006 merger with Pittsburgh-based Klett Rooney Lieber & Schorling PC. The firm currently has 288 attorneys across the state.

The attorneys in the 38-lawyer Harrisburg office are especially strong in regulatory matters and governmental affairs, and the 70-lawyer Philadelphia office is distinguished by talented litigators in areas like health care and labor and employment, as well as thriving banking and bankruptcy practices.

In Pittsburgh, the firm operates as a general service commercial law firm. It represents a large number of the public companies based in the city, including local giants U.S. Steel Corp. and HJ Heinz Co. and major players in the energy industry like CONSOL Energy Inc., Mine Safety Appliances and EQT Corp.

With its close proximity to natural resources like petroleum, coal and natural gas, Pittsburgh has been an energy hotbed since the city's emergence in the early 19th century. And with the recent surge in gas production from the Marcellus Shale, Buchanan Ingersoll has been poised to take advantage of the energy boom.

Pittsburgh-based shareholder Greg Krock won a major decision in front of the Pennsylvania Supreme Court in 2013, when the state's justices ruled to preserve a 130-year-old rule that gas rights cannot be reserved with mineral rights unless specifically noted in a deed. The ruling will help shield thousands of existing Marcellus Shale lease deals between landowners and developers from fights over lucrative natural gas rights.

Attorneys from the firm also convinced the state's Commonwealth Court to halt efforts by several western Pennsylvania municipalities to impose ordinances preventing seismic testing, a precursor to drilling. The victory for Seitel Data Ltd. had larger consequences for the entire energy industry in the state, as it affirmed that companies can challenge certain ordinances over gas development in the Commonwealth Court.

The Pittsburgh office has recently had success in the transportation sector as well, helping the Port Authority of Allegheny County land substantial funding from the federal government, defeating efforts to curtail the number of hours transit employees can work and successfully defending a transportation company from retaliation claims rooted in age-discrimination allegations.

And at the interface between corporate work and litigation, Pittsburgh shareholder Kevin Lucas secured a win for an investment bank and minority investors who were seeking to beat back a medical information technology company's bid to prevent the sale of \$37 million worth of shares.

Comparing Philadelphia and Pittsburgh, Barbour — who came from the Klett side in the 2006 merger — said that while the former has the characteristics of a much larger market, “in terms of lawyers, I don't find it much different.”

But he did identify a cultural distinction: “One of our partners in Philly once said to me, 'The problem with you people in Pittsburgh is that you're smart but so damn nice.'”

In Philadelphia, managing shareholder Joe Dougherty, who also came from Klett, called the litigation unit “the engine” of the office, contrasting it to the corporate, energy and transportation work being done out of Pittsburgh.

“We are lucky to have some very large Philadelphia-based organizations and other organizations based throughout the state and the nation,” he said of the office's client base. “Our office does a substantial amount of work outside of Philadelphia too.”

Two major recent wins for Philadelphia litigators have been in the health care arena, which continues to grow for the firm, according to Dougherty.

Philadelphia shareholders Craig Mills and Samantha Southall, along with Harrisburg shareholders Jayson Wolfgang and Jack Stover, were instrumental in securing a ruling in Philadelphia Court of Common Pleas that health care insurer Highmark Inc., a nonprofit corporation, did not violate state law by accumulating \$1.2 billion in profits in recent years. That ruling is under appeal before the Commonwealth Court.

And Philadelphia litigator Paul Greco, defending a former top sales representative for medical device manufacturer Synthes USA, settled the company's claims that he violated a noncompete agreement with a deal that allowed the rep to continue working with his top customers without any monetary penalty.

Dougherty also pointed to the firm's burgeoning cybersecurity practice, which in Philadelphia is led by former principal deputy undersecretary of homeland security for intelligence and analysis operations Jack Tomarchio.

Although the bulk of the firm's energy work has come out of western Pennsylvania, Dougherty is optimistic about Philadelphia's prospects as a future energy hub, noting work done by the Greater Philadelphia Chamber of Commerce. The organization has an energy action team that is seeking to position the region to take advantage of its ports and transportation resources, along with its proximity to Marcellus Shale wells.

"There's a lot of opportunity and Philadelphia is a uniquely positioned community to tap into that, especially from the transportation side and the technology side," he said

Barbour, from his post in energy-rich Pittsburgh, agreed.

"Ultimately, there's hope that pipelines — if the industry is as big as people think — offer the possibility of exporting liquid natural gas from Philadelphia," he said.

Sitting between Philadelphia and Pittsburgh, Buchanan Ingersoll's Harrisburg office also handles environmental and energy work, along with a range of corporate work and litigation. The office is also the locus of the firm's government affairs and regulatory practice for Pennsylvania.

The firm landed in Harrisburg in 1989 with a small group of health care and government affairs attorneys, but it has grown to take on a full range of functions, a point that distinguishes the office from some of its rivals, according to managing shareholder Steve Gierasch.

"Having that support here rather than constantly having to reach out to Philly or Pittsburgh is really ideal," Gierasch said. "Forty [attorneys] is kind of a nice critical mass. We've got some real depth."

Gierasch identified work involving the state government as a core strength of the office, noting that it was only natural that clients look to Harrisburg for expertise in regulatory and government affairs.

The office is home to several veterans of the General Assembly, including former state representatives Jonathan Vipond and David Sweet, the latter of whom also served as campaign manager for Ed Rendell's successful run for governor in 2002.

But Barbour said that the firm was not focused on staffing the practice with former politicians, adding that many in the office were former legislative staffers.

"They understand how the process works from a bottoms-up standpoint," he said.

One growing area in Harrisburg is work stemming from the deregulation of utilities in the state, according to Gierasch.

The leaders in all three offices recognized the centrality of Pennsylvania to the strategic vision of the firm, which did just move to substantially expand its footprint in Florida in March through a merger with Fowler White Boggs.

“When I think of our practice in general, the concept of the Keystone State has a dual meaning for us,” Gierasch said, referring to Pennsylvania's nickname. “It's not just the state's role in the founding of the country, it's a keystone for Buchanan.”

--Editing by Elizabeth Bowen.

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