

MVP: Sullivan & Cromwell's Robert J. Giuffra Jr.

By Emily Field

Law360 (December 11, 2019, 3:12 PM EST) -- Sullivan & Cromwell LLP's Robert J. Giuffra worked to represent Volkswagen AG in suits brought by U.S. states and counties over the auto giant's 2015 emissions cheating scandal, earning him a spot among Law360's 2019 Product Liability MVPs.

ON THE VOLKSWAGEN CASES:

After Volkswagen reached a landmark \$14.7 billion emissions settlement in 2016 with consumers and the federal government, 11 states and several counties sought to potentially impose billions in further penalties on the auto manufacturer over its admission that it rigged cars with "defeat devices" in order to cheat emissions testing.

In Ohio's case, which was dismissed last December, the penalties could have reached \$350 million a day. In March, Tennessee's suit was dismissed on the grounds that the state's claims were preempted by federal law. The sheer magnitude of the Volkswagen cases has made the litigation very complicated, Giuffra told Law360.

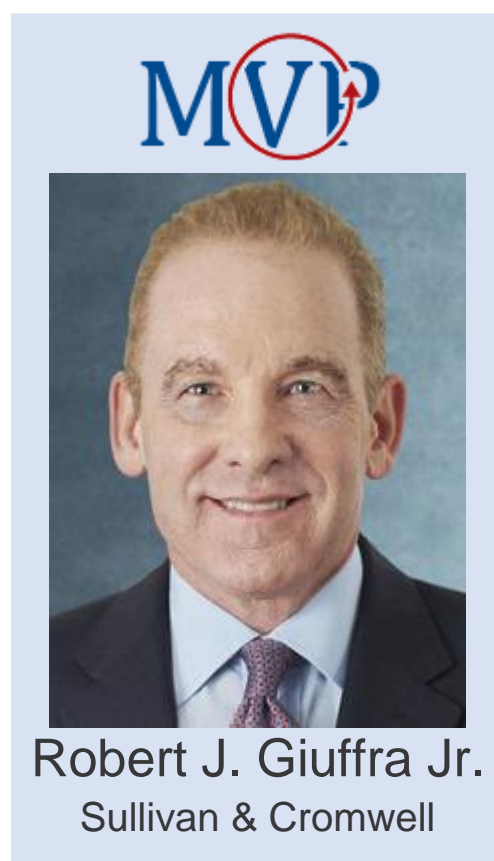
"As [we said] to the general counsel about this in the very beginning — look, we will settle the cases we have to settle, but we're going to fight the ones at the end where we think the plaintiffs or the states are being greedy and seeking money ... that's just not warranted to be paid," Giuffra said.

Giuffra said he had not done much product liability work before the emissions cases, noting he had previously been performing securities work for Volkswagen.

"Products cases are really not that much different from securities cases or other tort cases. A lot of these cases involve complicated civil procedure issues, and I've always been very interested in civil procedure," Giuffra said.

HIS BIGGEST CHALLENGE THIS YEAR:

Giuffra said his biggest challenge this year has been managing a busy travel schedule — including



Robert J. Giuffra Jr.
Sullivan & Cromwell

frequent trips to San Francisco and Europe — along with keeping on top of his case load. He noted that he has "the highest status" as a customer of Delta and American Airlines, adding that he isn't sure "whether that's something to be proud of."

"I'm at a point in my career where I have lots of matters to work on and I have to juggle things. When you're younger and you're working on one big case, you can really learn every piece of it, and I try to be as hands-on as I possibly can," Giuffra said.

When he's old and retired, he'll have plenty of time to rest, Giuffra observed. "But I think the biggest challenge is trying to manage everything and keep it all going," Giuffra said.

WHAT MOTIVATES HIM:

Giuffra said he is motivated by the intellectual demands of his cases and the challenge of solving complicated problems in a crisis.

"There's an element of drinking out of a firehose to some of this, but there is a great satisfaction when it's done and you can look back on it and say, 'I worked on that,'" Giuffra said.

In the case of Volkswagen, the biggest car company in the world, it's safe to say his client was in an existential crisis when Giuffra's team was brought in, the attorney noted. But now its stock has stabilized and the company has switched its focus to making electric cars, Giuffra said.

"In 20 years ... if Volkswagen is the number-one producer of electric cars in the world, I can look back and say that I was involved in an important turning point in the company's history," Giuffra said.

HIS PROUDEST ACHIEVEMENT THIS YEAR:

Giuffra said his proudest achievement this year occurred outside the courtroom. It was the moment when he won a father-son golf tournament with his 12-year-old boy, Giuffra said.

Giuffra noted that he played golf in college at Princeton University, a competitive experience that he said helped him learn how to focus under pressure.

"I'm obviously a relatively high-energy person, but I'm relatively calm under pressure. And the more pressure, the calmer I get," Giuffra said. "I think that's a function of the fact that I played competitive golf. You learn to slow down and focus, and I tend to be less frenetic the bigger the problem is."

HIS ADVICE FOR YOUNGER ATTORNEYS:

Giuffra offered two tips for younger attorneys — not to specialize, and to find a good mentor. Specializing too early in whatever field seems trendy at the moment might mean missing out on interesting cases down the line, he explained.

"The more interesting cases are the complicated cases, and the interesting cases are the cases where generalists succeed," Giuffra said.

He also chalked up his success as a lawyer not just to his hard work, but to the input of his fantastic mentors.

"The older lawyers train younger lawyers," Giuffra said. "You can't learn to be a lawyer by reading a book."

— *As told to Emily Field*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2019 MVP winners after reviewing nearly 900 submissions.

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