

Rising Star: Morgan Lewis' Joseph Duffy

By **Martin Bricketto**

Law360, New York (March 08, 2013, 6:22 PM ET) -- Helping JPMorgan Chase & Co. escape class actions over alleged foreclosure and debt collection practices and securing a verdict for Toys “R” Us Inc. in the first consumer class action trial under California's gift card law are some of the wins that have earned Morgan Lewis & Bockius LLP partner Joseph Duffy a place on Law360's list of top class action attorneys under 40.

Since making partner in 2008, Duffy, 38, has scored other victories that also include defeating certification of a putative class in paint defect litigation against Toyota Motor Sales USA Inc.

“Class actions are the kinds of cases that clients obviously take very seriously,” Duffy said. “You obviously get a lot of client contact, a lot of attention from decision makers and the area of the law seems to change so much, so quickly that being a younger partner isn't a hindrance because as new law develops, I'm tracking it just like someone with more experience.”

Working out of the firm's Los Angeles office, Duffy, who earned his law degree from the Pepperdine University School of Law in 2000, is becoming a seasoned pro at representing retailers, financial companies and manufacturers in high-profile class action disputes.

As co-head of the litigation practice's retail industry initiative, he represents retail clients in state and nationwide consumer class actions, contract disputes and compliance matters. He also counsels retailers on issues ranging from gift cards and loyalty programs to advertising and data collection.

The College of New Jersey graduate has also built a strong track record in litigation related to the financial services industry, as evidenced by numerous wins on behalf of JPMorgan.

In July, Duffy helped JPMorgan win the dismissal of a class action in the Southern District of California — *Royse v. JPMorgan Chase Bank* — that accused the company of violating California's Rosenthal Fair Debt Collection Practices Act by making false and misleading statements in a debt collection letter.

U.S. District Judge Larry Alan Burns tossed the case for lack of subject matter jurisdiction.

The previous year, Duffy helped secure the dismissal of JPMorgan from a putative nationwide class action in Illinois federal court that accused a slew of banks, mortgage servicing agents, law firms and others of conspiring to fraudulently foreclose properties.

Duffy and others argued in the case that federal courts were barred from reviewing state court judgments under the Rooker-Feldman doctrine and that, in turn, the plaintiffs had no valid claim. All claims against JPMorgan in the dispute — *Stone v. Washington Mutual Bank et al.* — were dismissed in August 2011.

Among his work for retailers, Duffy helped secure a bench trial verdict for Toys “R” Us in March 2011 in a consumer class action alleging violations of the California gift card law, which requires retailers to redeem gift cards for cash upon request when the balance is less than \$10, according to the firm.

The California state judge overseeing the case — *Maxwell v. Toys “R” Us* — eventually found that individual testimony was not enough to show a companywide practice, rather than a simple mistake, the firm said.

Also that year, Duffy served as co-lead counsel for Toyota when it beat certification for a putative class of Lexus car owners vehicles in California federal court over allegations that the manufacturer's original paint on certain vehicles was prone to chipping, scratching and marring.

Based on the U.S. Supreme Court's ruling in *Wal-Mart Stores Inc. v. Dukes*, U.S. District Judge R. Gary Klausner eventually agreed with Toyota that lead plaintiff Neal Kruszka failed to show that the members of the proposed class have suffered the same injury.

Duffy said younger attorneys looking to climb the ranks should make sure that, first and foremost, they are producing high-quality work.

“It sounds very simple, but I don't know anyone who has been able to become a partner without establishing that they do very good work, and then it's about where you can provide the greatest value,” Duffy said.

--Additional reporting by Carolina Bolado. Editing by Andrew Park.

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